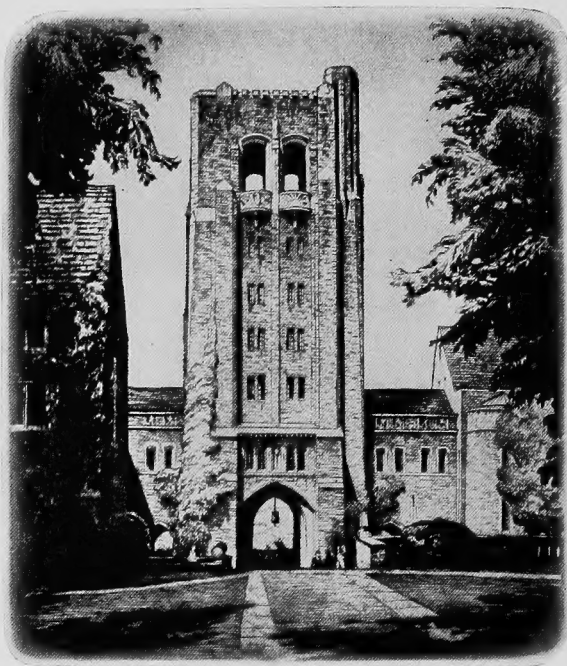




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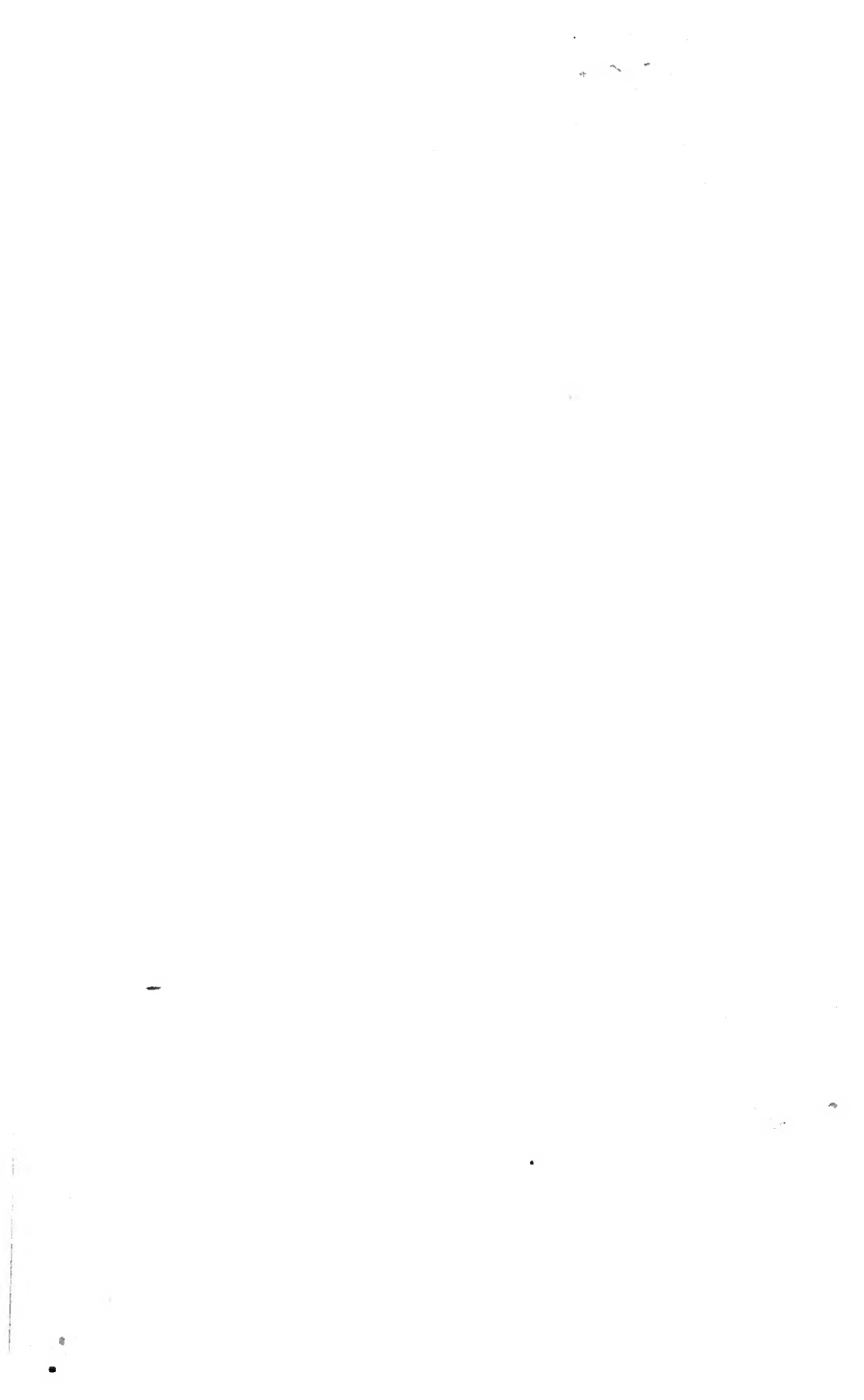


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May 6, 1901.

NEW LEGISLATION

CONCERNING

CRIMES, MISDEMEANORS, AND PENALTIES.

COMPILED FROM THE LAWS OF THE FIFTY-FIFTH CONGRESS AND
FROM THE SESSION LAWS OF THE STATES AND
TERRITORIES FOR 1897 AND 1898.

BY ^{une}SAMUEL J. BARROWS,

Commissioner for the United States on the International Prison Commission.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1900.

LA 8495.

DEPARTMENT OF STATE,
Washington, December 18, 1899.

SIR: I have the honor to transmit herewith, for the information of the Senate, the report of the Hon. Samuel J. Barrows, commissioner for the United States on the International Prison Commission, on "Crimes, Misdemeanors and Penalties" in the United States, based on the penal features of the laws of the Fifty-fifth Congress and on the session laws of the States and Territories for 1897 and 1898. The report, upon which much labor has been expended, will furnish valuable material, not only for foreign lawmakers who are studying with interest the American codes but also for practical legislators in our own country who are seeking to revise, harmonize, and unify the laws of the different States.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. WILLIAM P. FRYE,

President pro tempore of the Senate of the United States.

INTERNATIONAL PRISON COMMISSION,
Washington, D. C., December 18, 1899.

SIR: As commissioner of the United States on the International Prison Commission I have the honor to present herewith a report on "Crimes, Misdemeanors and Penalties" in the United States. The report is a presentation and comparison of the penal features of the laws of the United States enacted by the Fifty-fifth Congress and of the laws of the forty-seven States and Territories which held legislative sessions in the years 1897 and 1898. To some extent it is also a comparison of recent penalties with those of earlier laws in the respective States which have been amended, repealed, or replaced.

The object of this work is less to show the form and structure of statutory criminal law in this country than to show its spirit and tendencies and the legal and ethical distinctions which are made in different States in the definition and punishment of crimes and misdemeanors. While the volume has been prepared primarily for the section on penal law of the International Prison Congress and for its affiliated organization, "l'Union Internationale de Droit Pénal," it is hoped that it will be of value, not only to students of criminal law in both hemispheres, but also to practical legislators in our own States who are obliged to frame laws and impose penalties. To bring about the much desired uniformity in the laws of our own States it is first necessary to exhibit their diversity and complexity; and, second, to present in a convenient form for reference the action which has been taken already by certain States upon subjects engaging the attention of legislators in other States.

A more detailed analysis of the character and scope of the report will be found in the introduction.

I have the honor to remain, sir, your obedient servant,

S. J. BARROWS.

Hon. JOHN HAY,
Secretary of State.



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INTRODUCTION.

SCOPE AND OBJECT OF THIS REPORT.

The many and varied questions which come before the International Prison Association for discussion may be reduced to three simple categories, namely: What are crimes and offenses against society? Secondly, How shall we prevent them? Thirdly, How shall we treat the criminal or offender? In the series of reports prepared by the United States Commissioner for the Sixth International Congress, to be held at Brussels in 1900, an endeavor has been made to answer with more or less detail these general questions.

Taking these questions in their inverse order, the reports on the Reformatory System in the United States (House Doc. 459, Fifty-sixth Congress) and on the Prison Systems of the United States (House Doc. 566, Fifty-sixth Congress) are attempts to show how criminals and offenders are treated in the United States. The reports on the Indeterminate Sentence and the Parole Law (Senate Doc. 159, Fifty-fifth Congress) and the report on Penological Questions (Senate Doc. 158, Fifty-fifth Congress) cover various subjects in relation to the prevention and diminution of crime.

The present report is an attempt, necessarily limited, to show how statutory crimes and offenses are defined, classified, and punished in the United States under recent Federal and State legislation. A prime object has been to indicate the present tendencies and movement of criminal law in the United States, first in regard to offenses which are deemed punishable, and secondly as to the weight of punishment to be inflicted. Such an inquiry is interesting and important not only in its legal but also in its ethical bearings and in its relation to the social life and civilization of the American people. Perhaps no people are more prompt than ours in expressing public sentiment in the form of statutory law.

LIMITATIONS OF THE INQUIRY.

It is important at the outset to indicate some of the self-imposed, circumstantial, or necessary limitations of this inquiry.

In the first place, as the report deals distinctively with new legislation, no attempt has been made to exhibit the growth historically of penal codes in the United States. In Bishop's Statutory Crimes, in Hochheimer's Law of Crimes and Criminal Procedure, and in other works one may find material for historic comparisons and may also obtain a general view of the scope and range of statutory law in the United States at the time they were written. As American criminal law for the most part has its roots in the common law of England, works dealing with its exposition and history, notably James Fitz-

James Stephen's General View of the Criminal Law in England, have an important bearing upon our own codes and procedure.

The report is also limited as to time. As some of the States have annual sessions of the legislature and the greater part have biennial sessions, it was necessary to cover a period of two years in the examination of statutes. The period chosen was that covering the legislative sessions of 1897 and 1898. During these two years all the States and Territories of the United States held legislative sessions excepting one, the State of Oregon, which, passing no laws during that time, could not be included in the temporal comparison. The examination includes, therefore, forty-four States and three Territories, and also an analysis of the new code for the district of Alaska established by Federal enactment.

To confine the report to definite limits, the subject of criminal procedure is not included. Nor does it deal with the civil code or civil procedure. Yet in some States and in some laws the line between the civil code and the criminal code is but faintly drawn. Offenses which are triable under civil process in one State may be brought under the criminal code in another. Many violations of the civil code are punishable by fine, but if the fine is not paid the person may be remanded to prison for a definite period. To a person thus incarcerated it may lighten the consciousness of punishment to feel that he is not imprisoned under a sentence for crime, but his régime in prison is essentially the same with that of misdemeanants under the criminal code. Thus the stigma which does not appear in the process often appears in the penalty and its execution.

In his General View of the Criminal Law in England, Mr. James Fitz-James Stephen says:

Crimes being defined as acts punishable by law, criminal law may be defined as that part of the law which relates to crimes, and it will at once become apparent that these definitions extend the sphere of criminal law considerably beyond the narrow routine of the cases which usually occupy the criminal courts. In this country an immense mass of affairs which in other parts of the world fall under the head of civil administration are transacted by the help of the criminal law. * * * It is sufficient in this case to observe that they illustrate the general proposition that the province of criminal law must not be supposed to be restricted to those acts which popular opinion would describe as crimes, but that it extends to every act, no matter what its moral quality may be, which the law has forbidden, and to which it has affixed a punishment.

"Penal" would be a better phrase than "criminal" law, as it points out with greater emphasis the specific mark by which the province of law to which it applies is distinguished from other provinces; for the distinction arises not from the nature of the acts contemplated, but from the manner in which they are treated. Many crimes, for example, are civil injuries, and as such may be made the subject of actions for damages independently of penal proceedings.

This report is not bound by the technical division between the two codes. Though it excludes procedure, it takes cognizance of all penalties involving fine or imprisonment which are imposed by statute. Therefore, where a fine or forfeiture is distinctly stated it has been included in the volume, and where it is to be recovered by civil process this statement is added when contained in the law.

MUNICIPAL PENALTIES.

Another limitation of the report must be noted in relation to municipal penalties. The session laws of the different States by no means indicate all the misdemeanors, new or old, which are recognized by law

within State limits. Powers to impose certain penalties are delegated to cities and villages under laws sometimes applied to cities of a certain class and sometimes expressed in specific characters. Under the power thus conferred we have a vast number of local ordinances, varying greatly in different cities and towns and also in the character of the penalty imposed.

Such municipal ordinances and penalties do not come within the scope of this report, which is limited to crimes, misdemeanors, and offenses recognized and punishable under State enactment. But, as I have remarked in relation to the city of Baltimore (page 154), while the charter of every town or city confers the right to enact local laws with limited penalties, there are in various charters specific offenses for which the punishment is provided in the charter itself. In that case it is not a municipal regulation but a State law. In such cases the offense and the penalty are indicated in this report. Under the heading, therefore, of "Municipal penalties" will be found in a number of the States examples of the powers conferred and the limitations prescribed by statute with regard to penalties which may be imposed under city or town charters; and there will also be found a description of offenses and punishments which are imposed by direct enactment of the legislature and made a part of the charter itself. Thus under the charter of Baltimore (page 154) there are some 116 offenses in which the penalty is imposed by the legislature.

In the charter of the city of New York (page 282) some fifty or more offenses are likewise catalogued with prescribed punishments. The character of these offenses thus embodied in the charters are not necessarily more serious than those which are provided for by purely local enactment. The fine of \$10 imposed in the charter of New York for flying kites near telegraph lines might have been left to the municipal assembly to be enacted as a local regulation. If it had been adopted as a municipal ordinance it would not have been catalogued in this report; as a legislative enactment it comes within its purview.

Most of the penalties thus imposed by legislative enactment, in which the lawmaking body of the State assumes functions that under our system of local government are more usually left to municipal assemblies, are not higher than could have been imposed if left to local authorities. Other offenses, however, made punishable in these charters are of a more serious nature, and the penalty imposed by the legislature in the charter transcends that which municipal bodies or courts are empowered to impose.

It will thus be seen that no general principle governs in the separation of local ordinances from statutory offenses. The bounds beyond which municipal authorities shall not go in imposing penalties are fixed by the State legislatures, but this does not prevent the legislature from entering municipal precincts and resolving itself into a board of aldermen. Thus, this report, while it is concerned with the classification and treatment of offenses, furnishes material for study and comparison as to the distribution of legislative powers. Attention is called to the great amount of special legislation and to the functions of local government which in many States have been transferred to the State legislatures or which have never been assumed by cities or towns.

CLASSIFICATION OF CRIMES.

The general classification of offenses against the law in the United States is, as in England, twofold, namely, into felonies and misdemeanors. This is a classification based, not on the nature of the offense, but upon the degree of punishment assigned to it. It represents two grades of crimes or offenses widely separated at their extremes and yet approaching each other so closely that it is difficult to say where one begins and the other ends.

Concerning the history of misdemeanors in England, Mr. Stephen says:

The history of the law of misdemeanors is hardly less characteristic of English criminal jurisprudence than that of the law of theft. At first sight nothing can appear more unintelligible than the distinction between felonies and misdemeanors. If difference in the gravity of crimes is the test, why should embezzlement and bigamy fall under one denomination and obtaining goods by pretenses and perjury under the other? If the severity of the punishment and the importance of the case makes the distinction, why should men plead guilty of felonies before a police magistrate and be impeached by the House of Commons for high crimes and misdemeanors? (Page 57, *General View of the Criminal Law of England*.)

Mr. Stephen further remarks that in the present day and for centuries past the distinction between felonies and misdemeanors has no doubt been unmeaning, but plausible conjectures may still be made as to its origin. "The distinction between felonies and misdemeanors," he says, "comes very near to the ancient and nearly universal distinction between crimes and delicts or torts. What is a misdemeanor at common law hardly admits of any better answer than that it is a tort prosecuted by the Crown." Whatever its origin, it is evident that this distinction is no longer preserved in statute law.

The original meaning of a felony, traceable to the feudal system, is no longer in vogue in this country any more than in England. Mr. John Stuart Mill says:

There is no lawyer who would undertake to tell what a felony is otherwise than by enumerating the various kinds of offenses which are so called. Originally the word felony had a meaning. It denoted all offenses the penalty of which included forfeiture of goods. But subsequent acts of Parliament have declared various offenses to be felonies without enjoining the penalty, and have taken away the penalty from others which continue, nevertheless, to be called felonies, insomuch that the acts so called have now no property whatever in common save that of being unlawful and punishable.

These words of Mill apply quite as well to the United States. The distinction between felonies and misdemeanors is ill-defined and arbitrary. The relation between the two is constantly shifting in the laws of the different States; misdemeanors become felonies and felonies misdemeanors. Preceding the laws of the different States as arranged alphabetically in this report, I have given, for the sake of comparison, definitions of felony and misdemeanor derived from the statutes of the State. By reference to these it will be seen that the most common definition of these terms is that a felony is a public offense which may be punished by death or imprisonment in the penitentiary. All other offenses are called misdemeanors.

Thus, as said above, the distinction between the two is not in the nature of the offense, but in the punishment attached to it. The felony, as representing the more heinous offense, is punishable with a more severe and more degrading penalty. But, as a matter of fact, the dif-

ference between felony and misdemeanor is by no means marked always by a clear distinction in the difference of penalty. The maximum punishment for offenses which are classed as misdemeanors runs higher sometimes than the minimum penalty assigned for a felony. In some cases the punishment is identical, and the difference is simply in the designation. Thus, on page 37 of this report, under the heading of "Fraudulent voting," in the act amending the charter of the town of Eutaw, in Greene County, Ala., a special penalty is provided for fraudulent voting. It is made a misdemeanor, punishable by fine not exceeding \$500, or sentence to hard labor for Greene County not less than six months nor more than one year, or both. On the other hand, the law relating to elections in the town of Horse Creek, Walker County, in the same State (see p. 39), makes fraudulent voting a felony, with essentially the same penalty, with the difference that instead of hard labor for the county there may be imprisonment in the penitentiary.

So far as the duration of the punishment is concerned, the sentence for a misdemeanor may last longer than that for a felony. It is an error to suppose, likewise, that the quality of the punishment imposed for a felony is necessarily more severe than that imposed for a misdemeanor. It was formerly assumed that a sentence to a penitentiary or State prison was a much severer punishment than a sentence to a county jail. This is no longer really true. On the contrary, the modern penitentiaries are much better built and administered than the old county jails. They are much more comfortable for the prisoner, and under a new and improved regime they furnish him better opportunities for mental and moral invigoration. Hard labor is not so much of a punishment as a moral therapeutic. If the real good of the prisoner and the possibilities of his moral recovery are considered, then a sentence to a first-class penitentiary is a much milder punishment than a sentence to a county jail for the same length of time. There can be really no worse punishment for a prisoner than that which condemns him to a life of crime. The county jail contributes more to this end than the penitentiary.

In some States the term felony is dropped. This is so in the State of New Jersey. Crimes which are especially heinous are labeled and grouped under the name of the crime itself. Murder is simply classified as murder, bigamy as bigamy, arson as arson, etc. The list includes treason, misprision of treason, conspiracy, incest, and manslaughter, in addition to those mentioned above. All other offenses are divided into misdemeanors and high misdemeanors, with uniform penalties for the offenses grouped under these classes.

THE GROUPING OF OFFENSES.

Other groupings and classifications of crimes and offenses are made in our penal codes based on the character, nature, and object of the offense, such as crime against the State, against the public peace, against public morals and the institution of marriage, against the public health and safety; crimes against property, etc. These are divisions taken from the code of New Jersey. They vary in different codes and are ethical, social, or physical divisions which have no relation to penalty.

PRESCRIPTION AND IMPOSITION OF PENALTIES.

Such terms as felony and misdemeanor simply recognize two classes of offenses, one more grave than the other; but the range of penalties which may be imposed under them is very great. It differs also greatly in different States. Under the English law penalties are not commonly imposed by statute; they are left within a certain range to the discretion of the court. In the United States the usual custom is to affix the penalty to the offense in the statute itself, with a maximum and minimum limit within which the discretion of the court may be exercised. The specification and differentiation of penalties is, as will be seen from the body of this report, very minute. It is extremely difficult to discover upon what principle the distinction of penalties is made. The multiplication and variety of penalties is greatest in regard to the less serious offenses. The penalty attached to a crime or offense in the statute which makes the offense punishable becomes an index first to the relative enormity of offenses in the code of each State and by comparison between the codes of the different States.

In a few States, however, instead of weighing out a pound, an ounce, or a gram of penalty with reference to each offense, the whole range of offenses, except for the more serious crimes, is divided into two classifications, and the same penalty is affixed to all offenses coming under the same category. This is true, as noticed above, with the State of New Jersey. A few specific crimes receive specific punishment; the rest are classified as misdemeanors and high misdemeanors. This change was made in the revision of its criminal code in 1898. (See page 253.) Section 217 of this act declares that "any person found guilty of any crime which by this or any other statute is declared to be a high misdemeanor and for which no penalty is fixed in the statute shall be punished by fine not exceeding \$2,000, or by imprisonment with or without hard labor, as the court may direct, for any term not exceeding seven years, or both."

In the case of various high misdemeanors the penalty is fixed by the statute in excess of the penalty given above. Such, for instance, as poisoning where death does not ensue, though the fine is not to exceed \$1,000, the imprisonment may extend to fifteen years. Kidnaping is punishable by fine not exceeding \$5,000, or imprisonment to twenty years. Likewise in robbery and certain other crimes the punishment may extend to fifteen years, but in the majority of cases where high misdemeanors are described the punishment is not fixed in the statute, but is left under the general provision and limitations of section 217 to be fixed by the court.

Again, section 218 declares that "any person found guilty of any crime which by this or any other statute is declared to be a misdemeanor shall be punished by fine not exceeding \$1,000, or by imprisonment with or without hard labor, as the court may direct, for any term not exceeding three years, or both."

In no case, therefore, is any special punishment affixed to a misdemeanor in the statutes. It is sufficient to describe the act as such. This method more nearly approaches the English practice, in which few punishments are prescribed by statutes, but are left to the operation of the common law.

In the State of Georgia, also, the penalty for misdemeanor is stated in section 1039 of the criminal code of 1895 to be fine not exceed-

ing \$1,000, imprisonment not exceeding six months, work on chain gang not to exceed twelve months, one or more, at the discretion of the judge. In the statutes since that time, when offenses are classed as misdemeanors reference is made to this section of the code for the penalty.

The adoption of such a method renders the task of legislators easier, laws more uniform, and penalties more equable. It leaves to the judge those nice discriminations in the weight of penalties which may be influenced by the circumstances of the case and the character of the prisoner, but which are fanciful and arbitrary when meted out in the statutes.

In order that the full import and value of the new method adopted in New Jersey may be seen, a complete analysis of the revised criminal code of New Jersey is given (see pages 253 to 261), in which the more uniform penalties now provided by law are compared with the penalties under the former code. This table is commended to the attention of the reader. Penalties formerly varied greatly when there was no ethical or practical distinction in the nature of the offense. The possible penalty under the new code is higher in nearly all cases, or it may be lower than in the old code, as no minimum is fixed.

The New Jersey code raises again the question whether a third category of offenses of a lighter order is not desirable in which the maximum punishment may be lower than that now prescribed for a simple misdemeanor. Still another step in advance is taken when States adopt the indeterminate sentence, which relieves both the judge and the legislator from the difficulty of making the punishment fit the criminal, which is something different from the abstract attempt to make it fit the crime.

VARIATION IN PENALTIES.

A large number of offenses recognized in the statutes are entirely new, and the penalties attached to them are new in relation to that particular offense or offenses. Under the present theory of criminal law, penalties are imposed for two purposes; first for their deterrent, and secondly for their punitive effect. It is difficult to tell which idea is more prominent, and probably in the minds of legislators they are not widely separated. The index will furnish the student of comparative law, as well as the practical legislator, material for comparison as to the comparative enormity of the same offense in different States, judged by the weight of the penalty attached to it. The laws being indexed according to subjects, and under subjects being arranged according to States, such a comparison is possible with relation to any given subject, but only, of course, within the two years covered by this report.

The variation in penalties in the different States for the same offense will be found to be very great, and they are the more interesting because they have been enacted in different localities in the same time. The variation is by no means confined to the different States; there is the same variation in laws relating to the same subject passed by the same legislature but applying to different counties in the same State. This will be seen by a comparison of the game or liquor laws in some of the States. It is impossible in studying them to find any principle or canon by which penalties are measured out. The variations in the penalties in different counties are often so slight that they do not seem

to be of much importance, and yet the variation is often sufficiently great to show that the difference is not accidental. In either case our curiosity is excited. If the variation be small, we ask why should it exist at all; and if the variation be large, we feel that it registers a more pronounced sentiment as to the seriousness of the offense or a more serious determination to prevent it.

But as it is often impossible for a judge to give any satisfactory reason why under the discretion allowed him he sentences one prisoner to a year and another to three years for the same offense, it is equally impossible in this country to offer any rational explanation for the variation in penalties. The variations in the thermometer are much more easily explained than the fluctuations, far more mercurial, in our criminal codes. Why, it may be asked, should the maximum penalty for killing a partridge in one county during the close season be \$25 and \$100 in another? There is no commercial difference in the value of the bird in the different counties, and in these game laws commercial considerations do not seem to enter to any extent. The natural inference in regard to these variations in penalty in different counties is the same as in regard to the variation between different States—the variety exists because no attempt has been made to effect unity. Not only in different States, but in different parts of the same State, crime is still supposed to be a matter for local regulation.

INCREASE OR DECREASE IN PENALTIES.

But a vast number of statutes in the legislative sessions here brought to view, as in the acts of every session, are not new as to their subject-matter and only partially new as to their form. They consist of amendments to previous laws. In most cases, perhaps, the amendment is made to affect the substance or form of the law rather than with any definite relation to the penalty. Less frequently we find laws amended with distinct reference to an increase or decrease. It is only in these latter that we can gauge the movement of the punitive sentiment. The large majority of these changes of penalties affixed to earlier laws are just as unaccountable as the variations based on difference in locality occurring at the same time.

In the notes attached to amended laws pains have been taken in a great number of cases to ascertain and point out the new features. The failure in most States to show in the amended law the nature of the change made or its object renders any such comparison laborious and difficult. Laws are often passed without any intimation that they are intended to displace or amend other laws except as it is suggested in the general repealing clause revoking acts or parts of acts inconsistent therewith. Only an elaborate search of the previous statutes will then determine whether a law is new as to its subject or only new as to its scope or form. No attempt has been made to make the exhibition of changes complete. On the contrary, in the abstracts of laws, when the changes involve a vast number of details they have necessarily been ignored or but briefly catalogued.

The paragraphs brought into prominence have been those which impose, reimpose, or modify the penalty. As the date and page of the act are always given, students of any particular subject can, if they wish, extend the examination and comparison by consulting the full text of the original law. Without being lightened or increased, the

scope of penalties is thus greatly widened by being made to cover all violations of the amended law, in which new prescriptions are strewn as thickly as briars on a blackberry vine. In such thickets of legislation one can hardly move without being scratched by a prohibition. In some of the new election laws the duties prescribed are so numerous that the whole act would have to be printed to show the full range of the penalty. In such cases this abstract is rather an index to this new legislation than an attempt to exhibit all its features.

The notes as to former penalties must be taken in connection with the new scope of the law amended, but the reason for the increase or diminution of a penalty imposed by a previous law will seldom be found in the nature of the amendment made; it will be more usually found in some change of sentiment in regard to the weight of the offense or in some change of condition which renders a deterrent more or less needful. Sometimes the changes by the revolutions of the law are as fanciful and as inconsequential as the revolutions of a kaleidoscope. While one may state the fact as to changes in penalty, he must be careful how he draws conclusions in regard to them. A few examples out of a great number which might be adduced are here cited, but the reader may find a host of others in the body of the report.

In Missouri the former penalty for practicing dentistry without a license was a fine of \$25 to \$200. The fine has been increased from \$50 to \$200. In Wisconsin the penalty for unmerchanted milk or adulterated milk has been changed from \$10 to \$100 to \$25 to \$100. Here is but a slight change in the minimum fine. Has this any punitive or deterrent signification?

The variations between penalties in different counties of the same State are often so slight that they do not seem to be of much importance, and yet they apparently indicate a very close gradation of the matter of fines and terms of imprisonment. For instance, a law passed at the session of one legislature was revised as to phraseology within two weeks at the same session, and though there was no change in the nature of the offense the penalty, which was \$50 to \$100, was changed to \$60 to \$100. The penologist naturally asks why was the minimum fine raised \$10 in this case, and no answer can be given. The penalty imposed was for railroad companies failing to make their reports to assessors at a certain time. It is hardly to be presumed that the additional \$10 to the minimum fine, making the penalty from \$60 to \$100, constitutes any additional menace to the previous penalty enacted two weeks before of \$50 to \$100.

These fluctuations in penalties, which seem to be imposed or made almost at random, are found in the game laws of many of the States. Note, for instance, the variations in the game laws of Tennessee, the change of penalties in the same county, sometimes a few dollars more and sometimes less, and with imprisonment added or omitted, showing fluctuations in legislation which may correspond to fluctuations in opinion, or which may be purely arbitrary and as inconsequential as the throwing of dice.

But it is impossible to resist the force of the indication in many other cases that penalties are changed with the distinct purpose of rebuking or preventing the offense. In Bedford County, Tenn., the penalty for the violation of a game law, which was formerly \$2.50, has been increased to \$5 and \$25 for first offense, and subsequent

offenses from \$25 to \$50, and imprisonment for three months, at the discretion of the court. The prohibition as to the exportation of game in certain counties is new and the penalty is more severe, involving imprisonment in some counties.

In Wisconsin the penalty in the national guard law for issuing or retaining arms or equipments unlawfully has been increased by adding imprisonment to the fine of \$20 to \$50, which remains unchanged. In the same State, in the case of the death of persons resulting from the explosion of a lamp or other vessel, the person selling or furnishing such oil shall be guilty of manslaughter, and be punished accordingly.

In Nebraska the penalty directed against soap manufacturers for receiving animals dying of contagious diseases, which was formerly \$25 to \$100, has been increased to \$50 to \$200. The term of imprisonment, "not exceeding six months," remains the same. In the same State the penalty of a former law in regard to the disposition of dead bodies, \$100 to \$500, has been made a felony, and, with various changes in the text of the law, the penalty has been changed to hard labor in the State penitentiary from one to three years, or fine of \$2,500, or both fine and imprisonment.

In Missouri the penalty for illegal voting at primary elections has been increased from a maximum of \$100 to a maximum of \$500, and imprisonment has been increased from a maximum of thirty to a maximum of ninety days.

In Nebraska the penalty for selling or giving cigarettes or cigarette papers to minors under the age of twenty-one has been increased. The former penalty was \$10 to \$50. The new penalty ranges from \$100 to \$200.

In Tennessee the cutting of timber without the consent of the owner of the timber was formerly a misdemeanor. It has now been made a felony, with penalty of from one to three years in the penitentiary. A notable increase in penalty in the same State relates to the killing of fish by dynamite. Formerly, the penalty was not less than six months in the county jail. The offense has now been made a felony punishable by imprisonment in the penitentiary from one to three years.

In Texas the publishing of indecent publications was formerly punished by a fine not exceeding \$100. The offense is now made a felony, punishable by imprisonment in penitentiary of from two to five years.

In North Dakota a trust was formerly punishable by a fine of \$500 or imprisonment not exceeding one year. The punishment has now been increased tenfold.

In Florida there has been an increase in the penalties in some of the game laws and an increase in the penalties for horse stealing. On the other hand, in addition to many examples of the reduction of penalties which are more or less insignificant or without apparent motive, there are some which are clearly intentional.

In Arkansas there is a lightening of the penalty in the case of sentences for escape from prison.

In Texas the penalty for stealing horses, asses, or mules was formerly a sentence of five to fifteen years. It has now been reduced to from two to ten years.

In Florida there has been a notable lightening of penalty in the case of trespassing on farmers' gardens, the former penalty being State prison not exceeding three years or fine not exceeding \$500, and the

present penalty being imprisonment not exceeding three months or by fine not exceeding \$50. In the same State the punishment for carrying concealed weapons has now been reduced to three months instead of six months, as before; the fine, not exceeding \$100, is the same.

In Alabama, in the case of trespassing by hunting on the lands of another, in Hale County there is a marked reduction in the maximum fine, which under an act of December 10, 1892, was \$5,000. Whether this extraordinary maximum was ever enforced or whether it was an unintentional or ineffective threat of the law does not appear, but it has been reduced by the act of February 9, 1897, to fine of not more than \$20.

Legislators have found by experience that the nominal severity of a penalty on the statute books does not carry with it always a deterrent effect. There is another element which must be considered, and that is the extent to which it is enforced. Judges are not likely to impose a penalty which they believe to be excessive, and juries will frequently refrain from convicting when the penalty is cruel or excessive. This was the case in England when capital punishment was nominally the penalty for stealing the sum of five pounds or upward. Juries refused to convict under this law for many years before it was wisely abolished, and the result was that it gave a new license to crime, for a thief had only to make sure that he stole enough to go unpunished. The criticism of Dr. Van Hamel, the eminent Dutch penologist, applies here, that much of our modern legislation is adjusted to the offense and not to the offender.

MODERN CRIMES AND PENALTIES.

More interesting than the traditional offenses and ruder crimes which have formed a part of the oldest criminal codes of the world are the new offenses which furnish the subject for much modern legislation. Many ancient crimes, as certainly many modern ones, spring from savagery and a lack of development, but a great number of the offenses which make up the bulk of our statutes are offenses which arise from conditions peculiar to our civilization.

INFLUENCE OF ELECTRICITY.

When Benjamin Franklin raised his famous kite he was not conscious of raising new ethical or legal problems. His experiment was purely scientific. He meant to draw lightning from the clouds, and he succeeded. At the time there had not been enacted a law like that recently passed by the State of Connecticut, entitled "An act to prevent the stealing of electricity." That electricity might be guided, that it might be measured as easily as water, Franklin may possibly have foreseen. Did he imagine that it would be available for general consumption, that it could be stored as well as distributed, that millions of dollars would be spent in making and buying it, and that eventually electricity would become property?

Franklin's public reputation as an enterprising kite flyer is secure. Wholly different, however, would that reputation be to-day if, instead of flying his kite in the air and waiting for a thunderstorm, he should throw the string over a telephone, telegraph, electric light, or electric power wire. If he escaped the physical consequences of contact with a wire carrying heat, light, and power the legal consequences in most

of the States would rapidly follow any such habitual experiment. In some cities he would come in contact with municipal ordinances forbidding him to fly kites at all in streets trellised with electric wires. The grounding of an electric wire means an "obstruction," or it means a diversion of the current involving an interruption of business or a loss of power. When telegraph wires were first put up in New York the kite nuisance was one of the most common interruptions, and, in crowded cities, a war had to be made upon kite flying. But electricity as property is exposed not merely to the hazards of weather and to ignorant interference; it is exposed also to theft. It is an easy thing for a skilled operator to tap a wire and steal a message. It is not difficult to divert the current to run a dynamo in your own cellar; and if a man has a grudge against a telephone or a telegraph company he may cut off its business with a pair of nippers.

It was inevitable, therefore, that electricity as property should seek insulation in the statutes of most of the States. Within the last two years a dozen States have had to modify their laws in order to punish "the stealing" of electricity, as it is called in Connecticut, or "larceny," as it is called in Montana, or "malicious obstruction, disturbance, or diversion of the electric current," or "tampering with meters," or interfering with apparatus, which the law recognizes in various other States. It is generally agreed that electrical property must be protected, and all the session laws have become storage batteries of fulminating legal maledictions and contradiction; but the legal authorities do not agree as to what the punishment shall be, and it is here where the contradiction comes in, as it does in every attempt to scale penalties to crimes.

Connecticut, under a law passed in 1897, punishes the stealing of electricity by a fine not exceeding \$50, or by imprisonment in the county jail, which may last ninety days. Montana punishes such "larceny" by a fine of from \$100 to \$500, equal to the penalty for the larceny of gas or water. In Michigan the penalty is \$100 and costs, or imprisonment not exceeding three months, or both fine and imprisonment. Maryland, New Jersey, and Iowa have the same penalties—a fine not exceeding \$500, or imprisonment of not over six months, or both. Georgia makes the offense a misdemeanor, the punishment for which may be a fine of not more than \$1,000, imprisonment not exceeding six months, or work on the chain gang twelve months. The same variation will be found in other States. Though there are meters for water, gas, and electricity, there is no pœnometer by which to measure penalties. If such a meter could be invented and introduced into legislatures and courts of justice we might hope for some uniformity in gauging penalties for crime.

Granted that Franklin may have foreseen that it would be a sin to steal electricity, could he have foreseen that it would be a sin punishable by fine or imprisonment to give it away? Yet the people of Nebraska have lately passed a law in which the giving away of electricity to certain persons is prohibited. Telephone and electric-light companies are forbidden to give free or reduced rates to any city or village officials, and the officers or agents of a telephone company bestowing their favors in this way are liable to a fine of \$100 to \$500 and to imprisonment of from thirty days to six months. Electric-light companies committing the same offense are liable to the same fine, and the guilty

persons in such corporations may be imprisoned for from thirty to ninety days.

Why telephone officials should be imprisoned for six months and why electric-light officials should get off with a maximum of ninety days does not appear in the statute. Passed in order to prevent unjust discriminations, a distinction is nevertheless made in the penalty where no difference is apparent. On the other hand, the penalty for the city official who accepts free or reduced telephone or electric-light or water service is a fine of from \$100 to \$500 and imprisonment from thirty to ninety days, with forfeiture of office. The same penalty is provided for city officials accepting free passes on street railways. A laudable attempt has here been made to make the penalties uniform. The Nebraska law is an intimation that electric-light, power, and traction companies may become a source of bribery and corruption in municipal affairs, and that it may be even necessary to prohibit city officials from using water freely.

Thus the introduction of every new invention may enlarge the field of litigation. There is, first, an opportunity, unknown to the ancients, to quarrel about patents, which constitute a special law branch, turning mainly upon questions of priority. That, however, relates to the birth of the invention; carrying it into court, but not into the legislature. The lawmakers are concerned, not with its genesis, but with its existence, and with the form of public injury into which it may be perverted. It is curiously interesting to note the way in which, sooner or later, new inventions are engraved in the criminal code. Not even the most utilitarian moralist would venture to suggest that there is anything wicked or maleficent in electricity or in any of the forces of nature. These are rather beneficent gifts for which we are grateful; but their application to modern life opens new sources of temptation or reveals new sources of danger.

A host of modern inventions or manufactured articles having a market value constitute a new opportunity for the thief. Most of these articles come under the ordinary definitions and conceptions of property. They do not need to be catalogued in the statutes. The theft of a lamp is larceny; it may be a Roman lamp or a Greek lamp, an oil lamp or an electric lamp. Whether it constitutes grand larceny or petit larceny will in certain States of the Union depend, not upon its age or newness, but upon its market value. On the other hand, there are a great number of modern crimes which could not have been committed in ancient days because the instruments for their perpetration did not exist. They are the outcome of modern civilization and they require new legislation.

The tapping of a telegraph wire is a modern form of highway robbery. In the old days, the method was to waylay the courier on the road and to rob him of his purse or of his message. The formula of the modern highwayman is not, "Stand and deliver," but simply "Deliver." And he may get a message from the lightning courier which may be worth more to him than a well-filled purse. But there is nothing to be gained by indiscriminate tapping. It is some special message or information that the thief is looking for, possibly for its effect on the stock market or on other business ventures; but the use of cipher codes renders the tapping of telegraph wires of little avail even in time of war, unless the code, as well as the message, has been

stolen. For the tapping of power or light lines the modern highwayman comes in out of the rain. He can do his business better indoors by attacking the electric meter, confusing its calculations, and thus getting more current than he pays for. Such at least seems to be the implication of recent statutes.

If, however, electricity permits itself to be used as an agent of crime, it is also invoked to prevent crime. The housebreaker must beware of the burglar alarm, and the flooding of stores at night by electricity is a brilliant defiance to his dark lantern. The telephone and the telegraph may assist in capturing the criminal, and the electric light may illumine his cell and his intellect. The motive for introducing the electric light in the Kentucky penitentiary at Frankfort is thus declared in the statutes of 1898, "that inmates may have an opportunity to study at night."

In adopting execution by electricity Massachusetts followed in the wake of New York. It is more merciful than hanging, and more rapid. It can be done in a cell with a few witnesses, instead of with theatrical effect in the rotunda of the jail or in the jail yard with several hundred spectators. In civilized communities, if the death penalty persists, the electric current will no doubt displace the rope and the ax. But Colorado recently cut the hangman's knot in another fashion by abolishing capital punishment altogether.

In modern legislation steam has had an enormous influence, especially in the way of railroad legislation. The introduction of electric railways now renders necessary many verbal amendments in the laws of the States. Penalties have long been enacted for obstructing steam railroads. Where the word "steam" was used in the statutes the phrase "steam or electricity" is now necessary. So, in recent statutes, there will be found many laws for the protection of street railways and for punishing interference with electric motors, just as interference with locomotive engines is punished. Electricity has even made itself felt in the game laws, in many of the States the use of electric launches as well as steam launches being prohibited in duck shooting.

TRANSPORTATION.

Two new crimes grow out of modern methods of transportation. One is the form of thievery known as "stealing rides." The ancient form of this crime, which the statutes and the criminal statistics of our Western States show not to be extinct, was horse stealing. Historians of transportation have reminded us that, from the days of Xenophon down to the time of Napoleon, there was hardly any change in methods of moving about from place to place. Both generals had to depend upon their horses, wagons, and beasts of burden.

In modern times, with a country gridironed with railways, it is not necessary, except in sparsely settled communities, for the thief to steal the horse. All that is necessary is to steal the ride. It is a theft, not of property, but simply of transportation. The ethical point raised, however, is precisely that which Lucian brought out so wittily in his dialogue between Charon and Menippus. The old ferryman having taken Menippus across the Styx demands his fare, and is told to "holler for it." Charon repeats his demand. "You cannot take what I haven't got," replies Menippus. "Is there anyone who hasn't two cents?" says Charon. "I don't know about anybody else; I know that

I haven't got it," replies the passenger, and he threatens the ferryman with personal violence. "But did you not know," says Charon, "that it is necessary to pay?" "What if I did? I had nothing to pay with. Is it necessary to refrain from dying?" Charon thinks he might levy on the passenger's bag, but finds nothing in it but the scanty remains of his last meal. Thus Lucian shows us that stealing transportation is a very old offense.

The modern precaution is to make the traveler pay in advance for his ticket, and, on certain railroads, not to let him pass through the gate unless he shows it; but this does not prevent a large number of people from stealing rides. I have known a tramp to "beat" his way from Massachusetts to Colorado and from Colorado to Florida, and without being obliged to ride on the truck. When passengers put their tickets under the upholstery binding in the seats in front of them or in the band of their hats which they afterwards put on the rack, it is easy for the thief to pick one up without being noticed, particularly when the owner sleeps. If a ticketless tramp is discovered and put off the car he can renew the experiment with the next train, and thus gradually make his way from point to point. "To prevent tramps and others from stealing or attempting to steal a ride on railroad trains," Georgia has passed a law making it unlawful for any person to conceal himself from the conductor or train authorities by hiding under the train or upon the top of a train or in box cars, tenders, or elsewhere for the purpose of avoiding the payment of fare. As the offense is made a misdemeanor, it is punishable by a maximum fine of \$1,000, or by imprisonment not exceeding six months, or by work on the chain gang for twelve months. In Utah, which adopted a new code in 1898, stealing rides is punishable by imprisonment in the county jail not exceeding fifty days, or by a fine not less than \$50, or both. But to show that the ancient crime is not extinct Florida has increased her penalty for horse and cattle stealing. The maximum for the first offense was formerly two years; in 1897 it was increased to five years. The maximum punishment for a second violation remains the same, twenty years. Texas, on the other hand, has reduced the penalty.

Laws forbidding people to get on or off cars while in motion are very common. Again, if it has been found necessary to pass laws against stealing rides, it has also been deemed necessary to protect the public against railroads by passing laws with penalties forbidding extortion and discrimination against individuals or localities in transportation rates.

TRAIN WRECKING.

The most heinous crime in connection with modern transportation is that of train wrecking. The crime of the modern Dick Turpin, who "holds up" a train and "goes through" its passengers, differs only in audacity from that of the highwayman who stopped the traveler on the road on a dark night. The modern highwayman prefers to do a wholesale business; but the robber who wrecks the train to make his victims more helpless is one of the most heartless of all modern criminals, and special laws have been enacted to meet his offense.

Three years ago the State of New York, in revising the penal code of 1889, increased the penalty for willfully placing obstructions upon railroad tracks or willfully interfering in any way with the motive power

of steam or electric roads. If the safety of any person is endangered the imprisonment may be twenty, instead of ten years, as before; in case safety is not endangered the imprisonment may extend to five years, instead of three, as before. A new section was also added to the penal code relative to murder in the first degree. It provides that a person who willfully loosens or displaces a rail or, by any other interference, wrecks a railway train, whether operated by steam, electricity, or other motive power, so as to cause the death of a human being, is guilty of murder in the first degree and punishable accordingly. Michigan has also passed a new law declaring that attempted wrecking of railroad trains is a felony, and shall be punished by imprisonment in the State prison at hard labor for life or for any term of years not less than five. Forcible detention of railway trains for the purpose of robbery is a felony to be punished in the same way. Another statute applies the same principle to street railroads. In Wisconsin, when death results from their crimes, train wreckers are to be imprisoned for life.

BICYCLE LAWS.

Another modern invention now making itself felt in legislation is the bicycle. The laws against fast driving which prevail in certain States must now be extended to cover bicycles. At present the automobile has hardly got into the statutes. It is likely that we shall soon accustom ourselves to a higher rate of speed on public roads; but there must be a limit somewhere to check the ambition of the bicycle and the automobile. They, in turn, need the protection of the law.

The transition is easy from horse stealing to bicycle stealing. Where new penalties of this form of larceny seemed necessary they have been made. Bicyclists are now protected, too, by laws securing for them the sole use of bicycle paths and forbidding trespass by other vehicles. Ohio has even decreed that, in sprinkling streets and avenues, a dry strip shall be left for bicycles. At its last legislative session Connecticut passed four laws of interest to wheelmen. The theft of a bicycle worth more than \$25 is punished by imprisonment for one year. The use of a bicycle of another without permission is forbidden under penalty of a fine of \$50 or of three months' imprisonment. Another act, passed on the same day, forbids bicyclists to ride without alarm bells, or to ride on highways within thickly populated villages faster than 10 miles an hour. Another section, however, allows greater speed at specified times. A third law punishes willful injury to bicycle paths by a fine of \$50 or three months' imprisonment, and a fourth statute imposes a fine of \$20 for the throwing of sharp substances, such as nails, tacks, etc., into the highways, the enactment of the last statute being due to the invention of the rubber tire, which is now applied to other vehicles.

The zeal of bicycle organizations has led to the adoption of similar laws in many States; but, so far as I know, Illinois is the only State which has passed a law to protect wheelmen from their own misguided enthusiasm. This law of June, 1897, is entitled "An act to prevent long-continued and brutal bicycle riding." It makes it unlawful for any person or corporation to engage or take part in or "conduct a bicycle race of more than twelve consecutive hours' duration, without a rest of six consecutive hours following each twelve hours' racing,"

and also to rent any building for a bicycle race without conforming to this act. The penalty is a fine of from \$25 to \$500, or imprisonment from thirty days to one year. This act, of course, does not prevent a man from committing suicide by riding himself to death on the road.

PETROLEUM AND EXPLOSIVES.

The introduction of petroleum has had a marked effect upon statute law, and blazes luridly in penal codes. In the past two years many laws have been amended or modified, prescribing the degree and method of fire tests, regulating transportation, and forbidding sale unless in conformity with the law. In Wisconsin if the death of a person results from the explosion of a lamp or of vessels containing illuminating oils sold in violation of law, the person selling the oil shall be deemed guilty of manslaughter in the third degree.

The development of modern explosives, especially the wide use of dynamite, has led to new laws for the protection of life and property; and, in many States, the game laws have been amended to prevent the destruction of fish by dynamite or other explosives.

ANÆSTHETICS AND MEDICINES.

The discovery of anæsthetics was an incalculable blessing; but there is hardly any blessing which can not be turned into a curse. A late amendment to the penal code of New York makes it a felony for any person not a physician or surgeon to have in his possession any narcotic or anæsthetic substance capable of producing stupor or unconsciousness, with intent to administer the same to another without his consent, unless by the direction of a duly licensed physician. The penalty is imprisonment in the State prison for not more than ten years. It has even become necessary to protect people against the immoderate and dangerous use by themselves of modern palliatives to pain. Helen of Troy, besides being a beautiful woman, was a licensed pharmacist, and Homer has paid a fine tribute to her skill; but how many things the modern pharmacist has in his pharmacopœia for allaying pain which were lacking in hers!

The increased sense of responsibility resting upon druggists and their clerks has led to a revision of the laws regulating pharmacy in various States. Like the dentist, physician, and surgeon, no pharmacist can practice without a license. Four States—Colorado, Illinois, Louisiana, and Massachusetts—have passed laws making it unlawful to sell cocaine without the prescription of a licensed surgeon or physician. Though there is uniformity in the prohibition, there is, as usual, no uniformity in the penalty. Thus, in Massachusetts the fine is \$50; in Colorado it is from \$5 to \$300; in Illinois it is \$10 to \$50 for the first offense, \$50 to \$200 for subsequent offenses, or imprisonment to thirty days; in Louisiana it is a fine of from \$25 to \$100 or imprisonment for thirty days. In the past two years many laws relating to the practice of medicine, surgery, and dental surgery have been revised. The plan has been extended of having special boards of examination to guard the entrance to these professions.

In some States the practice of embalming is similarly regulated by an examining board, and in other States this method is applied to chiropodists. In Minnesota no barber is admitted to practice without

passing the test of an examining board. The development of osteopathy has led to its regulation by statute, a regular diploma from a college of osteopathy being necessary. South Carolina now forbids traveling medicine venders to ply their vocation, under penalty of \$100 or imprisonment of one hundred days. Maryland has lately passed laws requiring the registration of nurses and midwives, with penalties attached, and forbidding the sale of spectacles or eye-glasses without license, unless by a practicing physician or optician.

SANITARY LAWS.

Among the most important and most frequent laws in the legislation of the past two years are sanitary laws of every kind, with penalties attached in the way of fine or imprisonment. A great many prohibit the adulteration of food, candy, and milk. Adulterations of food may be divided into two classes: (1) Those dangerous to health; and (2) simply commercial frauds, of which there are a good many. In many States, to prevent commercial frauds, labels and tags stating the exact nature of the contents are required, and laws have been passed requiring restaurants to placard their use of such articles. California has even determined to protect her dependent classes from such frauds, and forbids the use of any other substance than the pure article of butter or cheese in the charitable and penal institutions of the State. Violators of this or other sections of the bill incur a fine of \$50 or imprisonment for thirty days, and for a subsequent offense the fine may be \$300 or six months' imprisonment. Laws requiring tagging relate also to the adulteration of fertilizers.

The health of animals and of trees is now protected by special laws. The health of animals may have an important relation to the health of human beings. In Maine the bodies of animals dying of disease must be injected with kerosene oil until it permeates the carcass. This effectually prevents the selling of the meat. In other States burial is required. The poisoning of wells is an old crime; but the modern discovery that typhoid fever may come from the pollution of water supplies has led to the enactment of new laws and new penalties. It illustrates the influence which the microscope has had on modern legislation and on our ideas of social responsibility.

LABOR LAWS.

A vast number of labor laws illustrate the authority and influence which labor now commands in all legislative councils. Many wisely relate to the sanitary conditions of employment. Some are for the protection of women and children; limiting the hours of labor or requiring employers to furnish seats for their women and girls. There are laws to protect miners, and workers in certain trades, such as plumbers and horseshoers, from the invasion of unskilled labor. Under new statutes the motormen, or, as they are called in the Kansas statutes, "motorneers," are protected against bad weather by vestibules.

GAMBLING.

The laws for the protection of public morals enacted in the last two years show continued vigilance against insidious forms of modern

iniquity. The gambling spirit is always finding some fresh embodiment, and availing itself of some new invention. Hence there are laws prohibiting gambling with "slot machines," and in Vermont with "Klondike machines," a combination of the slot machine with the roulette wheel. Louisiana has passed a law against gambling in futures.

LIQUOR LAWS.

Of liquor laws there are a multitude. In some of the Southern States where local option ideas prevail there are different laws not only for different counties, but for different precincts or "beats" in the same county. In 1897 Alabama passed 34 such laws.

GAME LAWS.

The game laws, each with its special penalty, are simply legion. A few of the States have general game laws, but most of them enact laws for special localities. Thus, Alabama in 1897 passed 14, and in the session of 1897-98 Virginia passed no less than 47. We can imagine the embarrassment of a sportsman going through the State of Virginia and encountering a different law and a different penalty every few miles! He might repeat the saying of Voltaire in regard to France before the adoption of the Napoleonic Code: "This people change their laws as often as their horses."

Numerous, too, are road laws and special laws prohibiting stock from running at large in special districts.

PROTECTION OF CHILDREN AND MINORS.

The protection of children and minors is the aim of many statutes. A law prohibiting the sale of cigarettes to minors has had a wide range. And Tennessee, having forbidden in 1891 the selling or the giving of cigarettes to minors, passed a law in 1897 prohibiting cigarettes from being sold at all, or even from being brought into the State. Among new laws are a number forbidding minors to frequent pool rooms or billiard rooms without the written consent of their parents.

Several States have enacted more severe laws for the protection of girls by raising the age of protection.

CORPORATIONS AND TRUSTS.

The modern spirit of association is seen in the vast number of laws incorporating various companies and organizations. New laws are required for their regulation, as, for instance, in the case of beneficiary and assessment insurance companies. On the other hand, there are laws forbidding the use by unauthorized persons of labels, trade-marks of labor unions, badges of the Grand Army, and other societies. Then the pendulum swings the other way, and some of the most rigid laws recently enacted are the antitrust laws of various States, punishing monopolies by heavy fines and imprisonment.

SPECIAL LEGISLATION.

Certain States have constitutional provisions that the legislature shall not pass local or special laws. In the constitution of North Dakota

there are some thirty-five prohibitions as to special legislation. Among them are laws for the protection of game and fish, the incorporation of cities, towns, or villages, or amending the charters of the same—laws which are quite common and constitutional in many other States. In the States in which such special legislation is prohibited the subjects are covered by general laws. This will account for the absence of many special penalties in some States which are abundant in other States.

What would Draco and Solon have thought of such laws? They did not agree on matters of jurisprudence. Draco stands as the type of excessive severity in criminal law, and Solon, though all his laws may not endure the modern test, stands as the father of wise and benign legislation. But what would these ancient legislators think after reading, as the writer has done, 30,000 pages of legislation in the 45 States—all of it less than two years old?

Would Draco think the world had grown better or that it had grown worse, and would he note it as an occasion for modern thanksgiving that the Americans live under milder laws?

One great difference, however, these ancient lawgivers would find between their time and their country and ours. The laws of the American people bear a very close and intimate relation to their life. Right or wrong, good or bad, they are not imposed by external authority or by an aristocratic class. They are made by the people themselves. Whether enforced or not, the laws embody the ethical sentiment of the American people and reflect the spirit and the characteristics of American civilization.

S. J. BARROWS.

CRIMES, MISDEMEANORS, AND PENALTIES.

UNITED STATES OF AMERICA.

[Fifty-fifth Congress, first session, 1897.]

The following are the crimes and misdemeanors or fines, penalties, and forfeitures embodied in laws of the first session of the Fifty-fifth Congress:

Preservation of forests (chap. 2, p. 35).—The Secretary of the Interior may make rules and regulations for the protection of the public forests and forest reservations against fire. Violations of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June 4, 1888, amending section 5388, Revised Statutes of the United States, page 1004.

Violating navigation laws (chap. 4, p. 102, art. 31, sec. 3).—Pilots, engineers, mates, or masters of steam vessels, or every master or mate of any barge or canal boat neglecting or refusing to observe the provisions of this act shall be liable to a penalty of \$50, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal.

SEC. 4. Every vessel navigated without complying with the provisions of this act shall be liable to a penalty of \$200, one-half to go to the informer.

Importations in certain vessels (chap. 11, sec. 23, p. 210).—Importations in vessels not vessels of the United States, foreign vessels truly belonging to citizens or subjects of the country of which the goods are the growth production or manufacture are liable to be seized and condemned, together with vessel.

SEC. 24. The preceding section not to apply to vessels or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

Importation of neat cattle prohibited (sec. 25, chap. 2, p. 210).—The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited. A proviso authorizes the Secretary of the Treasury to suspend operation of this section when he shall officially determine and give public notice thereof that such importation will not tend to the introduction or spread of contagious or infectious diseases among cattle of the United States.

SEC. 26. Penalty for violation of preceding section, fine not to exceed \$500 or imprisonment not exceeding one year, or both, in discretion of the court.

Fraudulent entries (chap. 2, p. 212).—If the appraised value of imported merchandise exceeds the declared value, 50 per cent shall be forfeited. Such additional duties not to be refunded. If the appraised value of any merchandise shall exceed the value declared in the entry by more than 50 per cent, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent. The collector of customs shall seize such merchandise and proceed as in case of forfeiture for violation of the customs law. The forfeiture shall apply to whole package and shall not be remitted.

Alien contract labor (joint resolution No. 18, p. 222).—Alien mechanics, etc., may be brought into the United States to install exhibits at the Trans-Mississippi and International Exposition to be held in Omaha, Nebraska, 1898, but no alien shall by virtue of this resolution be permitted to enter the United States to perform labor therein except by express permission, naming such alien, and then not for a longer time than three months after the close of the Trans-Mississippi and International

Exposition, and thereafter such person shall be subject to all the processes and penalties applicable to aliens coming into the United States in violation of any act of Congress prohibiting alien contract labor from being brought or coming into the United States.

Officers aiding importation of prohibited articles (chap. 2, sec. 17, p. 209).—Whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than \$5,000, or by imprisonment at hard labor for not more than ten years, or both.

[Fifty-fifth Congress, second session.]

Prohibiting the catching of fur seals (chap. 3, p. 226, approved December 29, 1897).—Prohibits citizens of the United States from killing fur seals in the waters of the North Pacific Ocean: Penalty for violation, fine \$200 to \$2,000, or imprisonment not more than six months, or both; and vessels, tackle, furniture, and cargo are forfeited to the United States.

SEC. 9. The importation into the United States of fur-seal skins taken in the waters mentioned is prohibited.

Burial permits in the District of Columbia (chap. 6, p. 230, approved January 25, 1898).—An act for the regulation of cemeteries and the disposal of dead bodies in the district of Columbia.

SEC. 14. Cremation, embalming, etc., are prohibited before the issue of a burial permit: Penalty, fine \$200 or imprisonment not more than ninety days in District jail.

Disposal of refuse (chap. 8, p. 231, approved January 25, 1898).—Regulates and prescribes sanitary conditions for water-closets and privies.

SEC. 14. Violation of any provisions of the act a misdemeanor: Penalty, fine, not more than \$50, or imprisonment in District jail not more than fifteen days.

Adulterations of foods and drugs (chap. 25, p. 246, approved February 17, 1898).—Relates to the District of Columbia. Defines terms drug and food and adulteration.

SEC. 9. Violation of any provisions of the act, misdemeanor: Penalty, fine \$5 to \$100.

Adulteration of candy in District of Columbia (chap. 241, p. 398, approved May 5, 1898).—Prohibits the use of certain mineral substances and poisonous colors as flavors deleterious to health.

SEC. 2. Penalty, not exceeding \$100; the candy to be forfeited and destroyed under the direction of the court.

Carrying dangerous weapons in the District of Columbia (chap. 295, p. 405, approved May 11, 1898).—Amends section 5 of act approved July 13, 1892. Punishes sale to minors under the age of 21 years of dangerous weapons. Misdemeanor: Penalty, fine not more than \$100, or imprisonment in District jail not more than three months. A special license is required for dealers in weapons. Violation a misdemeanor: Penalty, fine \$100 to \$500, and in default of payment imprisonment in workhouse of the District not more than six months. All persons whose business it is to sell such weapons are required to keep a written register of the name and residence of every purchaser and to make monthly reports to the superintendent of the Metropolitan police. Failure to keep such register a misdemeanor: Penalty not more than \$100. In default of payment imprisonment in workhouse not more than sixty days, and license may be revoked; one-half of fine to the informer.

Toll on wagon roads in Alaska (chap. 299, p. 409, approved February 17, 1898).—An act extending the homestead laws and providing for right of way in the District of Alaska, and for other purposes.

Provides for right of way for wagon roads and tramways, with rates of toll to be approved by the Secretary of the Interior. Any person or corporation attempting to collect toll without written authority from the Secretary of the Interior, or failing to keep the same posted, shall be guilty of a misdemeanor: Penalty, fine \$50 to \$500, and in default of payment imprisonment in jail not exceeding ninety days.

Protection of fish in the District of Columbia (chap. 338, p. 415, approved May 17, 1898).—Prohibits net fishing in Potomac River. Prescribes close season

for bass, shad, etc. Forbids the use of explosives or deposits of deleterious matter. Violation, misdemeanor: Penalty, \$10 to \$100, and in default of payment imprisonment in workhouse not exceeding six months; one-half of fine to informer.

Fraudulently increasing weight of mail (chap. 446, p. 442, approved June 13, 1898).—Provides that any person who shall place or caused to be placed in the matter in the mails during the regular weighing period for the purpose of increasing the weight of the mails, with intent to cause an increase in the compensation of the railroad mail carrier, over whose route such mail matter may pass, shall be guilty of a misdemeanor: Penalty, \$500 to \$20,000, and imprisonment at hard labor from thirty days to five years.

Taxes to meet war expenditures (chap. 448, p. 448, approved June 13, 1898).—An act to provide ways and means to meet war expenditures, and for other purposes.

Failure to pay special taxes imposed by this act a misdemeanor: Penalty, fine not more than \$500, or imprisonment not more than six months.

SEC. 7. Failure to attach stamp as required a misdemeanor: Penalty, not more than \$100.

SEC. 8. Forging or counterfeiting of stamps, dies, etc., or removal of cancellation mark, the willful sale of washed or restored stamps, a misdemeanor: Penalty, fine not exceeding \$1,000, or by imprisonment at hard labor not exceeding five years.

SEC. 9. Failure to cancel stamps as required a misdemeanor: Penalty, fine \$50 to \$500, or imprisonment not more than six months, or both.

The use, sale, or gift of counterfeit stamps a crime: Penalty, fine not exceeding \$500, or imprisonment not exceeding one year.

SEC. 10. The issue or acceptance of unstamped bills of exchange, or draft, with intent to evade the tax, a misdemeanor: Penalty, fine not exceeding \$200.

SEC. 11. Foreign bills of exchange payable in the United States to be stamped before payment or acceptance. Violation a misdemeanor: Penalty, fine not exceeding \$100.

SEC. 13. The issue or sale of unstamped bonds, etc., with intent to evade tax, a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding six months.

SEC. 20. Sale of drugs, medicines, etc., without stamp or label denoting tax, a misdemeanor: Penalty, fine not more than \$500, or imprisonment not more than six months, or both.

SEC. 21. Detaching stamps, with intent to evade stamp duties, a misdemeanor: Penalty, fine not more than \$500, or imprisonment not more than six months, or both.

SEC. 22. Sale by manufacturer of articles without stamp to evade the tax a misdemeanor: Penalty, same as in section 22.

SEC. 23. Failure of manufacturer to make true statement of compliance with stamp act a misdemeanor: Penalty, as in section 22.

SEC. 25. Schedule A, page 458, transfer of stock without the proper stamp affixed, with attempt to evade tax, a misdemeanor: Penalty, fine \$500 to \$1,000, or imprisonment not more than six months, or both.

Failure of railroad or of express companies to issue bill of lading duly stamped, subjects such company to fine of \$50.

SEC. 27. Corporations engaged in refining petroleum or sugar shall render a true and accurate account monthly of gross receipts: Penalty for failure to make return, or for false or fraudulent returns, fine \$1,000 to \$10,000.

SEC. 30. Page 466, penalty for failure to comply with requirements as to tax on legacies, for refusal to exhibit papers, etc., \$500.

SEC. 37. Imposes a tax on mixed flour and requires the branding of packages with the words "mixed flour." Violation, misdemeanor: Penalty, fine \$250 to \$500, or imprisonment from sixty days to one year.

SEC. 48. Penalty for sale in unbranded packages, or for false branding, fine \$250 to \$500 or imprisonment from thirty days to one year.

SEC. 39. In addition to the branding and marking of mixed flour there shall be affixed to the packages the following label: "Notice.—The (manufacturer or packer, as the case may be) of the mixed flour herein contained, has complied with all the requirements of law. Every person is cautioned not to use this package or label again or to remove the contents without destroying the revenue stamp thereon under the penalty prescribed by law in such cases." Failure to affix such label, or removing the same from any package, fine not less than \$50 for each label so removed.

SEC. 40. Mixed flour repacked, on which the tax has been paid, shall not be liable to any additional tax. Contents of packages are limited, and tax prescribed on mixed flour. Penalty for violation of this section, \$250 to \$500 or imprisonment not to exceed one year.

SEC. 42. Imposes a tax on imported and mixed flour imported from foreign countries, and the same shall be branded as in the case of mixed flour packed in the United States. Penalty for receiving or selling unbranded packages, \$50 to \$500.

SEC. 43. Penalty for knowingly purchasing unstamped flour, not less than \$50 and forfeit of article to the United States.

SEC. 45. Whenever any package containing mixed flour is emptied it shall be the duty of the person in whose possession it shall be to destroy the stamp. Penalty for violation, fine not exceeding \$25.

SEC. 48. Provides that any person, firm, or corporation found guilty of a second or any subsequent violation of any of the provisions of sections 36 to 45, relating to the manufacture and sale of mixed flour, shall, in addition to the penalties herein imposed, be imprisoned not less than thirty nor more than ninety days.

Plumbing and gas fitting in the District of Columbia (chap. 467, p. 477, approved June 18, 1898).—Provides for the appointment of a plumbing board to examine all applicants for license. The fee for license shall be \$3. It is made unlawful to work without license.

SEC. 8. Penalty for violating provisions of this act, fine \$5 to \$100, and, in default of payment, confinement in workhouse of District not exceeding six months.

Removal of abandoned tracks in the District of Columbia (chap. 497, p. 489, approved June 25, 1898).—Provides that whenever the tracks of any street-railway company shall not have been regularly operated for railway purposes, upon a schedule approved by the Commissioners, for a period of three months the Commissioners of the District may notify the company to remove the tracks and to place the street in good condition. If such company neglects to remove said tracks and place the street in good condition within sixty days after such notice, the directors shall be guilty of a misdemeanor, and shall be liable to a fine of \$10 for each day of such neglect.

SEC. 2. Makes it unlawful for any electric-car company of the city of Washington to use the tracks of any other company unless its motive power for the propulsion of its cars shall be the same. Penalty for violation, fine, \$10 for every car operated.

Holding excessive land in Indian Territory (chap. 517, p. 495, approved June 28, 1898).—An act for the protection of the people of the Indian Territory, and for other purposes.

SEC. 17. Any person found in possession of lands or other property in excess of his share and that of his family, as provided for in the act, at the expiration of nine months after its passage, shall be deemed guilty of a misdemeanor: Penalty, fine not less than \$100, and shall stand committed until fine and costs are paid. Such commitment not to exceed one day for every \$2 of said fine and costs.

A like penalty is imposed for violation of section 16, making it unlawful for any person to receive royalties on mineral lands for personal use.

Bankruptcy matters (chap. 541, p. 544, approved July 1, 1898).—An act to establish a uniform system of bankruptcy throughout the United States.

Section 29 designates various offenses.

(a) Fraudulent appropriation or embezzlement, or unlawful transfer or secretion of any document belonging to a bankrupt estate: Penalty, imprisonment not to exceed five years.

(b) A person shall be imprisoned for a period not to exceed two years for fraudulently concealing, while bankrupt, from his trustee any part belonging to his estate in bankruptcy, or making false oaths, or receiving any material amount of property from a bankrupt with intent to defeat this act, or attempt to extort money from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

(c) A person shall be punished by a fine not exceeding \$500 for having knowingly acted as a referee in a case in which he is directly or indirectly interested, or purchased while a referee any property of the estate in bankruptcy, or refused to permit a reasonable opportunity for the inspection of the accounts.

Malicious injury to harbor defenses (chap. 576, p. 717, approved July 7, 1898).—An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

Penalty for willful injury to any fortification or harbor-defense system, on conviction in a district court of the United States for the district in which the offense is committed, fine from \$100 to \$5,000 or imprisonment not exceeding five years, or both, in the discretion of the court.

SEC. 2. When an offense is committed in places under Federal jurisdiction, punishment for which is not provided for by any law of the United States, the offender shall, upon conviction in a United States court, receive the same punishment as the

laws of the State in which such place is situated provide for the like offense when committed within the jurisdiction of the State.

Pension claims (chap. 578, p. 718, approved July 7, 1898).—An act to amend section 4746 of the Revised Statutes of the United States.

The penalty for false affidavit and post-dating vouchers or for false certificate to vouchers in pension cases, fine not to exceed \$500 or imprisonment not more than five years.

Public peace in the District of Columbia (chap. 638, p. 723, approved July 8, 1898).—Amends "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892.

Forbids injury to public and private property by defacing the same: Penalty, fine, \$50 for each offense.

Disorderly assemblies, obstructing streets, the use of profane or indecent language, forbidden under penalty of fine not more than \$25 for each offense. Vagrants and disorderly persons and public prostitutes shall upon conviction be fined not to exceed \$40 or shall be required to enter into security for good behavior for a period of six months.

Penalty for indecent exposure of the person, fine not to exceed \$250.

The taking and carrying away of the property of another in the District of Columbia without right so to do a misdemeanor: Penalty, fine not to exceed \$40.

Barbed wire fences in the District of Columbia (chap. 640, p. 724, approved July 8, 1898).—An act to regulate the construction of barbed wire fences in the District of Columbia, and for other purposes.

Prohibits barbed wire fences within fire limits; and outside of fire limits, unless a permit is obtained from the District Commissioners.

Penalty for violation, \$10 for each day such violation shall continue.

Fines and imprisonment (chap. 639, p. 724, approved July 8, 1898).—An act to amend the criminal laws of the District of Columbia.

Where the penalty, upon conviction, for an offense is a fine not to exceed \$50, persons may give security for their appearance for trial by bond, to the satisfaction of the court, or by depositing money as collateral security.

Section 2 provides that in all cases in the District of Columbia where a defendant is sent to jail or to the workhouse in default of the payment of a fine, he shall be released upon the payment of the balance of the fine due by him, after crediting thereon as paid an amount equal to the proportion the time thus served by him in the jail or workhouse bears to the whole time he was to serve under the sentence.

Brightwood Railway Company (chap. 579, p. 719, approved July 7, 1898).—Requires Brightwood Railway Company to abandon overhead trolley on Kenyon street. It may substitute underground electric power. Failure of company to comply with provisions of the act, fine \$25 a day for each day its tracks or poles shall remain.

Section 3 requires the said company to issue coupon tickets for use on the Capital Traction Company.

Navigation laws (chap. 26, p. 248, approved February 17, 1898).—An act to amend the laws relating to navigation.

Section 2 amends section 8 of an "act to abolish certain fees for official services to American vessels," etc., approved June 19, 1886, to read:

SEC. 8. No foreign vessels shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of \$200 for each passenger so transported and landed.

SEC. 4. Section 3109 of the Revised Statutes is amended. The master of any foreign vessel arriving by sea or otherwise in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers is required to report at the office of the nearest collector or deputy collector of customs, and is forbidden to transfer cargo or passengers to another vessel or to proceed farther inland, either to unlade or to take in cargo, without a special permit from the collector issued under regulations of the Secretary of the Treasury. This also applies to trade with or through Alaska. For any violation of this section such vessel shall be seized and forfeited.

Belt Railway, District of Columbia (chap. 496, p. 488, approved June 4, 1898).—An act to define the rights of purchasers of the Belt Railway, and for other purposes.

Section 1 defines the rights of purchasers.

Section 2 provides for payment of existing obligations, and imposes penalty for

failure to complete underground electric system at the expiration of one year from the ratification of the purchase, viz, the sum of \$50 for each day until the said road shall be completed.

SEC. 3. The Commissioners of the District of Columbia are authorized to station special policemen at street railway crossings, the expense of such service to be paid pro rata by the respective companies; every car shall be brought to a full stop before crossing. Neglect to pay for the service monthly or to stop any car as herein provided for shall subject the company to a fine not to exceed \$25 for every such neglect or failure.

[Fifty-fifth Congress, third session.]

CRIMINAL CODE OF ALASKA.

[Chap. 429, p. 1253, approved March 3, 1899.]

This act is an elaborate one, covering criminal law and criminal procedure. The following is an abstract of the crimes, misdemeanors, and penalties defined or imposed in the code. The chapters relating to criminal procedure are, as elsewhere, omitted.

OFFENSES AGAINST THE PERSON.

[Chapter 2.]

Murder.—SEC. 3. Whoever, being of sound memory and discretion, purposely, and either of deliberate and premeditated malice or by means of poison, or in perpetrating or in attempting to perpetrate, any rape, arson, robbery, or burglary, kills another, is guilty of murder in the first degree and shall suffer death.

SEC. 4. Occasioning the death of another by maliciously obstructing a railroad is also murder in the first degree: Punishment, death. But when persons are found guilty under this or the preceding section the jury may qualify their verdict by adding thereto "without capital punishment."

SEC. 5. Murder in the second degree defined: Penalty, imprisonment in penitentiary not less than fifteen years.

Manslaughter.—SEC. 6. Penalty, imprisonment in the penitentiary from one year to twenty.

SEC. 7. Procuring another person to commit self-murder, or assist another in the commission thereof, manslaughter: Penalty as above.

SEC. 8. Administering medicine to pregnant woman, or using any instrument or other means to destroy the child, unless necessary to preserve the life of the mother, shall, in case the death of child or mother is produced thereby, be deemed manslaughter and punished accordingly.

SEC. 9. Physicians administering poison, etc., while in a state of intoxication, which shall produce death of the person, guilty of manslaughter and punished accordingly.

SEC. 10. Every killing of a human being by the culpable negligence of another, when such killing is not murder in the first or second degree, or is not justifiable or excusable, shall be deemed manslaughter and punished accordingly.

When killing of a human being is justifiable.—SEC. 11. The killing of a human being is justifiable, when committed by public officers or those acting in their aid and assistance and by their command, either—

First. In obedience to the judgment of a competent court;

Second. When necessarily committed in overcoming resistance to the execution of legal process or to the discharge of a legal duty;

Third. When necessarily committed in retaking persons charged with or convicted of crime who have escaped or been rescued; or

Fourth. When necessarily committed in arresting a person fleeing from justice who has committed a felony.

SEC. 12. That the killing of a human being is also justifiable when committed by any person as follows:

First. To prevent the commission of a felony upon such person or upon his or her husband, wife, parent, child, master, mistress, or servant;

Second. To prevent the commission of a felony upon the property of such person, or upon property in his possession, or upon or in any dwelling house where such person may be;

Third. In the attempt, by lawful ways and means, to arrest a person who has committed a felony, or in the lawful attempt to suppress a riot or preserve the peace.

SEC. 13. The killing of a human being is excusable when committed:

First. By accident or misfortune in lawfully correcting a child, or in doing any other lawful act, by lawful means, with usual and ordinary caution and without any unlawful intent; or,

Second. By accident or misfortune in the heat of passion, upon a sudden and sufficient provocation, or upon a sudden combat, without premeditation or undue advantage being taken, and without any dangerous weapon or thing being used and not done in a cruel or unusual manner.

Rape.—**SEC. 14.** Whoever has carnal knowledge of a female person, forcibly and against her will, or, being 16 years of age, carnally knows and abuses a female person under 16 years of age, with her consent, is guilty of rape.

SEC. 15. A person convicted of rape upon his daughter, or sister, or a female person under twelve years of age, shall be imprisoned in the penitentiary during life; and a person convicted of rape upon any other female person shall be imprisoned in the penitentiary not more than twenty years nor less than three years.

Mayhem.—**SEC. 16.** Whoever, with malicious intent to maim or disfigure, cuts, bites, or slits the nose, ear, or lip, cuts out or disables the tongue, puts out or destroys an eye, cuts off or disables a limb or any member of another person, or whoever, with like intent, throws or pours upon or throws at another person any scalding hot water, vitriol, or other corrosive acid or caustic substance, or whoever, with like intent, assaults another person with any dangerous instrument whatever, shall be imprisoned in the penitentiary not more than twenty years nor less than one year.

Shooting, cutting, or stabbing with intent to kill.—**SEC. 17.** Whoever maliciously shoots, stabs, cuts, or shoots at another person, with intent to kill, wound, or maim such person, shall be imprisoned in the penitentiary not more than twenty years nor less than one year.

Assault with intent to kill or commit rape or robbery.—**SEC. 18.** Whoever assaults another with intent to kill, or to commit rape or robbery upon the person so assaulted, shall be imprisoned in the penitentiary not more than fifteen years nor less than one year.

Dueling.—**SEC. 19.** Whoever fights a duel, or is second to a person who fights a duel, or challenges another to fight a duel, or accepts a challenge to fight a duel, or is knowingly the bearer of such challenge, or shall be present at the fighting of such duel as aid or surgeon, or shall advise, encourage, or promote such duel, shall be imprisoned in the penitentiary not more than ten years nor less than one year.

Posting another for not engaging in duel.—**SEC. 20.** Whoever shall in any manner post another, or in writing or print use any reproachful or contemptuous language to or concerning another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, shall be imprisoned in the penitentiary not more than two years nor less than one year.

Assault, being armed with a cowhide.—**SEC. 21.** Whoever shall assault, or assault and beat another with a cowhide, whip, stick, or like thing, having at the time in his possession a pistol, dirk, or other deadly weapon, with intent to intimidate and prevent such other from resisting or defending himself, shall be punished by imprisonment in the penitentiary not more than ten years nor less than one year.

Pointing and discharging firearms.—**SEC. 22.** Whoever intentionally, and without malice, points or aims any firearm at or toward any person, or discharges any firearm so pointed or aimed, or maims or injures any person by the discharge of any firearm so pointed or aimed, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. This section shall not extend to any case where firearms are used in self-defense or in the discharge of official duty, or in case of justifiable homicide.

Administering poison.—**SEC. 23.** Whoever administers poison to a person, with intent to kill or injure such person, or mingles poison with food, drink, or medicine, with intent to kill or injure any human being, or willfully poisons any well, spring, cistern, or reservoir of water, shall be imprisoned in the penitentiary not more than fifteen years nor less than two years.

Assault with a dangerous weapon.—**SEC. 24.** Whoever, being armed with a dangerous weapon, shall assault another with such weapon, shall be punished by imprisonment in the penitentiary not more than ten years nor less than six months,

or by imprisonment in the county jail not more than one year nor less than one month, or by fine not less than one hundred dollars nor more than one thousand dollars.

Assault or assault and battery.—SEC. 25. Whoever, not being armed with a dangerous weapon, unlawfully assaults or threatens another in a menacing manner, or unlawfully strikes or wounds another, shall be fined not more than five hundred dollars or imprisoned in the county jail not more than six months, or both.

Robbery—pocket picking.—SEC. 26. Whoever, by force or violence, or by putting in fear, steals and takes from the person of another anything of value, is guilty of robbery, and shall be imprisoned in the penitentiary not more than fifteen years nor less than one year; and whoever, otherwise than by force and violence or by putting in fear, shall steal and take from the person of another anything of value, shall be imprisoned in the penitentiary not exceeding five years nor less than one year.

Kidnaping.—SEC. 27. That every person who, without lawful authority, forcefully seizes and confines another or inveigles or kidnaps another, with intent either—

First. To cause such other person to be secretly confined or imprisoned in said district against his will; or

Second. To cause such other person to be sent out of said district against his will, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years.

Child-stealing.—SEC. 28. That every person who maliciously, forcibly, or fraudulently takes or entices away any child under the age of twelve years, with intent to detain and conceal such child from its parent, guardian, or other person having the lawful charge of such child, shall be punished by imprisonment in the penitentiary not less than six months nor more than ten years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Blackmailing.—SEC. 29. That whoever, either verbally or by written or printed communication, shall threaten any injury to the person or property of another, or that of any person standing in the relation of parent or child, husband or wife, or sister or brother to such other, or shall in like manner threaten to accuse another of any crime, or of immoral conduct which, if true, would tend to degrade and disgrace such person, or to expose or publish any of his infirmities or failings, or in any way to subject him to the ridicule or contempt of society, with intent thereby to extort any pecuniary advantage or property from such other, or with intent to compel such other to do any act against his will, shall be imprisoned in the penitentiary not more than five years nor less than six months, or imprisoned in the county jail not more than one year nor less than three months.

Libel.—SEC. 30. That if any person shall willfully, by any means other than words orally spoken, publish or cause to be published of or concerning another any false and scandalous matter, with intent to injure or defame such other person, upon conviction thereof he shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by a fine not less than one hundred dollars nor more than five hundred dollars. Any allusion to any person or family, with intent to injure, defame, or maliciously annoy such family, shall be deemed to come within the provisions of this section.

OFFENSES AGAINST PROPERTY.

[Chapter 3.]

Arson.—SEC. 31. By burning dwelling house in nighttime: Penalty, imprisonment in penitentiary ten to twenty years.

SEC. 32. By burning other buildings, or both, in nighttime: Penalty, imprisonment in penitentiary five to fifteen years.

SEC. 33. Maliciously burning other buildings than those specified in sections 31, 32: Penalty, imprisonment in penitentiary one to ten years.

SEC. 34. The preceding sections of this chapter to extend to married women.

Maliciously burning lumber or vegetable products.—SEC. 35. Penalty, imprisonment in penitentiary six months to three years.

Burning, with intent to injure insurer.—SEC. 36. Penalty, imprisonment in penitentiary from three to seven years.

Burglary.—SEC. 37. Burglary in dwelling house in nighttime: Penalty, imprisonment in penitentiary one to fifteen years.

SEC. 38. Burglary not in dwelling house: Penalty, imprisonment in penitentiary two to five years.

SEC. 39. Burglary in dwelling house by attempting to get out: Penalty, imprisonment in penitentiary one to three years.

SEC. 40. Every unlawful entry of a dwelling house with intent to commit a crime therein shall be deemed a breaking and entering of such dwelling house within the meaning of section thirty-seven; and every unlawful entry of any building, booth, tent, railway car, vessel, boat, or other structure or erection mentioned in section thirty-eight, with intent to steal or commit any felony therein, shall be deemed a breaking and entering of the same within the meaning of such section thirty-eight.

Larceny.—SEC. 41. Larceny defined. If the property stolen shall exceed in value \$35 the punishment shall be imprisonment in the penitentiary from one to ten years; but if the property stolen shall not exceed the value of \$35 the punishment shall be imprisonment in the county jail from one month to one year, or by fine of from \$25 to \$100.

SEC. 42. Larceny in house, boat, or other public building: Penalty, imprisonment in penitentiary from one to seven years.

SEC. 43. Larceny, by stealing horse, etc.: Penalty, imprisonment in penitentiary one to fifteen years.

SEC. 44. Driving domestic animals from their range, etc.: Penalty, fine \$50 to \$400, and shall be liable to the owner for all damages sustained.

SEC. 45. Larceny, by altering marks or brands upon animals: Penalty, imprisonment in penitentiary from one to five years.

Embezzlement.—SEC. 46. Embezzlement by officer, agent, or servant of private persons, copartnership, or incorporation: Penalty, if property embezzled shall exceed in value \$35, imprisonment in penitentiary from one to ten years; if the property embezzled shall not exceed in value \$35, imprisonment in county jail one month to one year, or fine \$25 to \$100.

SEC. 47. Embezzlement by bailee: Punished accordingly.

SEC. 48. Embezzlement of public money: Penalty, imprisonment in penitentiary from one to fifteen years, and by fine equal to twice the amount.

SEC. 49. The amount of the money embezzled must be ascertained by the verdict of the jury.

SEC. 50. Trustees converting property to their own use with the intent to defraud: Penalty, imprisonment in the county jail three months to one year, or by fine fifty dollars to one thousand dollars.

SEC. 51. Banker, attorney, etc., converting property to his own use, etc.: Penalty, imprisonment in county jail three months to one year, or fine from fifty dollars to one thousand dollars.

SEC. 52. Buying, receiving, or concealing stolen property: Penalty, fine not more than one thousand dollars and by imprisonment at hard labor not more than three years.

SEC. 53. Larceny by falsely personating another: Punished as for larceny.

SEC. 54. Obtaining goods or writing by false pretenses: Penalty, imprisonment in the penitentiary from one to five years.

SEC. 55. Malicious or wanton injury to animals or other personal property: Penalty, imprisonment in the penitentiary six months to three years or by imprisonment in the county jail three months to one year, or fine from fifty dollars to one thousand dollars.

SEC. 56. Destroying boat or vessel with intent to defraud owner of vessel or owner of goods laden therein: Penalty, imprisonment in penitentiary from three to ten years.

SEC. 57. Fitting out vessel with intent to destroy the same: Penalty, imprisonment in the penitentiary from one to five years.

SEC. 58. Making or exhibiting false bill of lading: Penalty, imprisonment in penitentiary from six months to three years.

SEC. 59. Making a conveyance without title with intent to defraud: Penalty, imprisonment in the penitentiary from six months to two years.

SEC. 60. Willful destruction of any boom, bridge, road, wharf, etc.: Penalty, imprisonment in the penitentiary six months to two years, or in county jail three months to one year, or fine \$50 to \$1,000.

SEC. 61. Maliciously setting fire to prairie: Penalty, imprisonment in county jail three months to one year, or fine \$50 to \$500.

SEC. 62. Injury to fruit trees, fences, etc.: Penalty, imprisonment in county jail three months to one year, or fine \$10 to \$500.

SEC. 63. Willful injury to boundary monuments or milestones and guideposts: Penalty, imprisonment in county jail three months to one year, or fine \$10 to \$500.

SEC. 64. Trespassing upon improved lands: Penalty, imprisonment in county jail from one to six months, or fine \$5 to \$50.

SEC. 65. Willfully driving over any public bridge at a greater speed than a walk, or driving at one time more than twenty head of cattle, horses, or mules over such bridge: Penalty, fine \$10 to \$100.

SEC. 66. Trespassing upon the lands of another, cutting or removing timber: Penalty, imprisonment in county jail one month to one year, or fine \$50 to \$1,000.

SEC. 67. Trespassing on inclosed lands without permission of owner, a misdemeanor: Penalty, fine \$5 to \$50, and shall be committed in default of payment of fines and costs imposed one day for each \$2 of the said fine and costs.

SEC. 68. Printed or written notices requiring all persons to forbear trespassing posted in three conspicuous places on said lands or premises shall be deemed sufficient prima facie evidence of notice.

SEC. 69. Knowingly using any false weight or measure to defraud another, etc.: Penalty, imprisonment in county jail one month to one year, or fine from \$50 to \$500.

SEC. 70. Opening or publishing contents of sealed letter: Penalty, imprisonment in county jail one month to one year, or by fine \$50 to \$500.

SEC. 71. Fraudulently producing an heir with intent to intercept inheritance: Penalty, imprisonment in penitentiary from one to ten years.

SEC. 72. If any person to whom an infant has been confided shall with intent to deceive any parent or guardian substitute another child in the place of one so confided such person shall be punished by imprisonment in the penitentiary from one to ten years.

SEC. 73. Officer, etc., of corporation falsifying records: Penalty, imprisonment in county jail three months to one year, or fine \$50 to \$1,000.

SEC. 74. Officer, etc., of corporation publishing false reports: Penalty, as in section 73.

SEC. 75. Trespassing on mining claims or robbing the same: Penalty, imprisonment in the penitentiary from one to five years, or by fine \$100 to \$1,000, or both.

FORGERY AND COUNTERFEITING.

[Chapter 4.]

SEC. 76. Forgery of record, certificate, conveyance, etc.: Penalty, imprisonment in penitentiary from two to twenty years.

SEC. 77. Forgery of evidence of debt issued by any person or any government, etc.: Penalty, imprisonment in penitentiary from one to twenty years.

SEC. 78. Making or having in possession tools designed for counterfeiting: Penalty, imprisonment in penitentiary one to five years.

SEC. 79. Counterfeiting gold, silver, or other coins: Penalty, imprisonment in penitentiary from one to ten years.

SEC. 80. Making or having in possession tools for counterfeiting coin: Punishable as in section 79.

SEC. 81. Describes what shall be sufficient allegation of intention to defraud.

SEC. 82. Fraudulently joining parts of several bank notes or other genuine instruments with intent to pass them as true and genuine: Penalty, imprisonment in penitentiary from two to twenty years.

SEC. 83. Making false receipt or altering receipt of goods in warehouse: Penalty, imprisonment in penitentiary from one to five years, or in county jail from three months to one year.

SEC. 84. Knowingly using or counterfeiting trade-mark of another: Penalty, imprisonment in county jail one month to six months, or fine \$20 to \$300.

SEC. 85. Affixing fictitious signatures to any instrument or writing with intent to pass the same as true and genuine: Penalty, imprisonment in penitentiary from two to twenty years.

SEC. 86. In prosecutions for forgery or counterfeiting bank notes the testimony of any person acquainted with the signature of the officer authorized to sign the bills of the bank, or who has knowledge of the difference in appearance of the true and counterfeit bills, may be admitted to prove that any such bill is counterfeit.

SEC. 87. Any person having been convicted of any crime defined in any preceding sections of this chapter who shall afterwards be convicted of the same or any other crime so defined shall be punished by imprisonment not less than the longest term mentioned in the section under which he may be indicted and tried.

SEC. 88. Adulterating or selling adulterated gold dust: Penalty, imprisonment in penitentiary one to five years.

SEC. 89. Having adulterated gold dust in possession with intent to dispose of it as true and genuine: Penalty, imprisonment in penitentiary from one to five years.

OFFENSES AGAINST PUBLIC JUSTICE.

[Chapter 5.]

SECS. 90, 91. Perjury and subornation of perjury: Penalty for perjury in a criminal action for a crime punishable with death or imprisonment for life, imprisonment in the penitentiary from two to twenty years. Perjury committed in any proceeding in a court of justice other than such criminal action, punishable by imprisonment in penitentiary from three to ten years. Every person convicted of perjury otherwise than in a proceeding before a court of justice, or convicted of the crime of subornation of perjury, however committed, shall be punished by imprisonment in the penitentiary from one to five years.

SEC. 92. Inciting person to commit perjury: Penalty, imprisonment in penitentiary from one to three years.

SEC. 93. Bribing or offering to bribe officer: Penalty, imprisonment in penitentiary from two to ten years.

SEC. 94. Judicial or executive officer receiving or agreeing to receive bribe: Penalty, imprisonment in penitentiary from five to fifteen years.

SEC. 95. "Judicial officer" is thus defined:

That every person authorized to act as a judge in a court of justice; every person summoned as a juror in any court of justice, or upon any inquest, or before any officer, from the time he is so summoned; and every referee, umpire, or arbitrator, from the time of his appointment, shall be held and deemed to be a judicial officer within the meaning of sections 93 and 94, and for the purposes therein expressed.

SEC. 96. "Executive officer" is thus defined:

That every officer of said district, or of any county, town, or other municipal or public corporation therein, not included in the definition of judicial officers, as defined in section 95, from the time of his election or appointment, shall be held and deemed to be an executive officer within the meaning of sections 93 and 94, and for the purposes therein expressed.

SEC. 97. Aiding prisoners to escape from prison or legal confinement: Punished as in the following section.

SEC. 98. That if the person whose escape was attempted or effected was committed or detained upon a charge or conviction of a crime punishable with death or imprisonment for life, the punishment therefor shall be imprisonment in the penitentiary not less than ten nor more than twenty years; but if the person whose escape was attempted or effected was committed or detained upon a charge or conviction of a crime not so punishable, the punishment therefor shall be the same as that provided by law for the crime with which such person was charged or convicted; and in case the person whose escape was intended or effected was in custody or confinement upon civil process, or otherwise than upon a charge or conviction of crime, the punishment therefor shall be imprisonment in the county jail not less than three months nor more than one year, or a fine not less than \$100 nor more than \$500.

SEC. 99. Officer suffering an escape or refusing to receive person committed to his custody: Penalty, imprisonment one to five years and by fine of \$200 to \$1,000.

SEC. 100. Rescue or aiding prisoner to escape from officer: Penalty, imprisonment in penitentiary from two to ten years, or in county jail from three months to one year.

SEC. 101. Assault upon officer of penitentiary by prisoner: Penalty, additional imprisonment in penitentiary from three to twenty years.

SEC. 102. Aiding escape from penitentiary by assaulting officer: Penalty, imprisonment in penitentiary from two to fifteen years.

SEC. 103. Assault upon officer by person imprisoned in county jail: Penalty, imprisonment in penitentiary from ten to twenty years.

SEC. 104. Aiding escape from county jail by assaulting officer: Penalty, imprisonment in penitentiary from three to ten years.

SEC. 105. Officer refusing or delaying to serve process: Penalty, imprisonment in county jail three months to one year, or by fine from \$50 to \$500.

SEC. 106. Compounding or concealing crime for reward: Penalty, if such crime be punishable with death or imprisonment for life, by imprisonment in the penitentiary not less than one year nor more than five years; or, if such crime is not so punishable, by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$50 nor more than \$500.

SEC. 107. Neglecting or refusing to aid officer: Penalty, imprisonment in county jail one month to six months, or fine of \$25 to \$500.

SEC. 108. Falsely assuming to be a magistrate or peace officer: Penalty, imprisonment in county jail from three months to one year, or fine of \$50 to \$500.

SEC. 109. Malfesance or negligence in office: Penalty, imprisonment in penitentiary from six months to one year, or in county jail from three months to one year, or by fine from \$50 to \$500.

SEC. 110. Destroying, secreting, or mutilating public records: Penalty, imprisonment in penitentiary six months to one year, or in county jail three months to one year, or by fine from \$100 to \$500.

OFFENSES AGAINST THE PUBLIC PEACE.

[Chapter 6.]

SEC. 111. Defines riot and unlawful assembly.

SEC. 112. If any person shall be guilty of participating in a riot, such person, upon conviction thereof, shall be punished as follows:

First. If any felony or misdemeanor was committed in the course of such riot, such person shall be punished in the same manner as the principal in such crime.

Second. If such person carried at the time of such riot any species of dangerous weapon, or was disguised, or encouraged or solicited other persons who participated in the riots to acts of force or violence, such person shall be punished by imprisonment in the penitentiary not less than three nor more than fifteen years.

Third. In all other cases such person shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$50 nor more than \$500.

SEC. 113. Disturbing the peace in towns and villages, using profane language, or driving any horse or mule through the streets at a greater speed than 6 miles per hour, a misdemeanor: Penalty, fine \$5 to \$50.

SEC. 114. Willfully disturbing religious meetings or exposing for sale or gift intoxicating liquors within 2 miles of the place where any such congregation shall be actually convened for religious worship, and in a place other than such as shall have been duly licensed therefor: Penalty, imprisonment in county jail from one to six months, or fine \$10 to \$200.

SEC. 115. Disturbing other public meetings: Penalty, imprisonment in county jail one to three months, or fine \$10 to \$100.

SEC. 116. Disorderly conduct before women: Penalty, fine from \$5 to \$25.

SEC. 117. Carrying concealed weapons, unlawful: Penalty (section 118), fine \$10 to \$200, or imprisonment in county jail five days to one hundred, or both.

OFFENSES AGAINST MORALITY AND DECENCY.

[Chapter 7.]

Adultery.—SEC. 119. Whoever, being married, shall voluntarily have sexual intercourse with a person other than the offender's husband or wife is guilty of adultery, and shall be fined not more than \$200, or be imprisoned in the county jail not more than three months.

SEC. 120. A prosecution for the crime of adultery shall be commenced within three years from the time of committing the crime. When the crime of adultery is committed between a married woman and an unmarried man, the man shall be deemed guilty of adultery also, and be punished accordingly.

SEC. 121. Whoever cohabits with another in a state of adultery or fornication shall be fined not more than \$500, or imprisoned in the penitentiary not more than two years, or both.

Polygamy.—SEC. 122. Whoever, having a husband or wife, marries another, whether married or single, or simultaneously, or on the same day, marries more than one woman, is guilty of polygamy, and shall be imprisoned in the penitentiary not more than seven years nor less than one year. This section does not extend to any person whose husband or wife has been continually absent for five consecutive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person legally divorced from the bonds of matrimony.

Seduction.—SEC. 123. If any person, under promise of marriage, shall seduce and have illicit connection with any unmarried female of previous chaste character, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$500 nor more than \$1,000. A subsequent marriage of the parties, or offer to marry in good faith, is a defense to a violation of this section.

Indecent exposure.—SEC. 124. If any person shall willfully and lewdly expose his person or the private parts thereof in any public place, or in any place where there are present other persons to be offended or annoyed thereby, or shall take any part in any model artist exhibition, or make any other exhibition of himself to public view, or to the view of any number of persons, such as is offensive to decency, or is adapted to excite vicious or lewd thoughts or acts, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$50 nor more than \$500.

Concealing death of child.—SEC. 125. If any woman shall conceal the death of any issue of her body, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, such woman, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year, or by imprisonment in the county jail not less than three months nor more than one year.

Indictment of mother for murder of bastard.—SEC. 126. When a woman is indicted for the murder of her bastard infant, she may also be charged in the same indictment with the crime defined in the last preceding section, and if she shall be found not guilty of the charge of murder she may be found guilty of the crime defined in such section, and punished accordingly.

Keeping bawdyhouse.—SEC. 127. If any person shall keep or set up a house of ill fame, brothel, or bawdyhouse for the purpose of prostitution, fornication, or lewdness, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$100 nor more than \$500.

Common fame evidence of bawdyhouse.—SEC. 128. In all prosecutions for the crime defined in the section last preceding, common fame shall be competent evidence in support of the indictment.

Incest.—SEC. 129. If any person related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and on conviction thereof shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

Sodomy.—SEC. 130. If any person shall commit sodomy, or the crime against nature, either with mankind or beast, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years.

Trespassing in graveyards, etc.—SEC. 131. If any person shall willfully and wrongfully dig up, disinter, remove, or convey away any human body, or the remains thereof, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by imprisonment in the county jail not less than three months nor more than one year.

SEC. 132. Injuring tombstones and trespassing in graveyards a misdemeanor: Penalty, fine \$5 to \$500 and imprisonment in county jail from one to thirty days; offender also liable to action for trespass.

SEC. 133. Making roads through graveyards: Penalty, imprisonment in county jail three months to one year, or fine \$100 to \$500.

Cruelty to animals.—SEC. 134. Penalty, imprisonment in county jail ten to thirty days, or fine \$5 to \$50.

OFFENSES AGAINST PUBLIC POLICY.

[Chapter 8.]

Lotteries.—SEC. 135. Setting up or promoting lotteries: Penalty, imprisonment in penitentiary six months to one year, or imprisonment in county jail three months to one year, or by fine of \$100 to \$1,000.

SEC. 136. Selling lottery tickets: Penalty, imprisonment in county jail three months to one year, or fine \$50 to \$500.

SEC. 137. Advertising lottery tickets: Penalty, imprisonment in county jail one to six months, or fine \$20 to \$200.

SEC. 138. Selling tickets in fictitious lotteries: Penalty, imprisonment in penitentiary one to three years.

SEC. 139. Indicates when defendant must prove existence of lottery.

SEC. 140. If any person having been convicted of a crime defined in sections 135 and 136 shall afterwards be convicted of the same or any other crime therein defined, such person shall be punished by imprisonment in the penitentiary from one to three years.

Profanation of Sunday.—**SEC. 141.** If any person shall keep open any store, shop, grocery, ball alley, billiard room, or tippling house, for purpose of labor or traffic, or any place of amusement, on the first day of the week, commonly called Sunday or the Lord's day, such person, upon conviction thereof, shall be punished by a fine not less than five nor more than fifty dollars: *Provided*, That the above provision shall not apply to the keepers of drug stores, doctor shops, undertakers, livery-stable keepers, barbers, butchers, and bakers, and all circumstances of necessity and mercy may be pleaded in defense, which shall be treated as questions of fact for the jury to determine, when the offense is tried by jury.

Selling liquor or firearms to Indians.—**SEC. 142.** Penalty, imprisonment in county jail two months to six months, or fine \$100 to \$500.

Animals at large.—**SEC. 143.** Suffering vicious animals to run at large: Penalty, fine \$10 to \$50.

Prostitution.—**SEC. 144.** Taking female under 16 years of age for purposes of prostitution or marriage from parents or guardian: Penalty, imprisonment in penitentiary from one to two years, or imprisonment in county jail three months to one year, or fine \$100 to \$500.

Opium selling and smoking.—**SEC. 145.** Disposing of opium other than to druggists and practicing physicians, except on prescription of a physician, made unlawful.

SEC. 146. Selling opium to be smoked on or about the premises where sold, unlawful.

SEC. 147. Any building where opium is sold for the purpose of being smoked on or about the premises, or where the same is smoked, shall be considered an opium den.

SEC. 148. Makes it unlawful to frequent opium dens for the purpose of purchasing or smoking opium.

SEC. 149. Penalty for violating any of the four sections last preceding, imprisonment in the penitentiary six months to two years, or imprisonment in county jail one to six months, or fine \$50 to \$500.

SEC. 150. In prosecutions for any violation of the provisions of sections 146, 147, 148, general reputation shall be received in evidence.

Vagrancy.—**SEC. 151.** Defines vagrancy: All idle or dissolute persons who have no visible means of living, or lawful occupation or employment by which to earn a living; all able-bodied persons who shall be found begging the means of support in public places, or from house to house, or who shall procure a child or children so to do; all persons who live in houses of ill repute, shall be deemed vagrants, and upon conviction thereof shall be fined not less than \$20 nor more than \$250, or by imprisonment in the county jail not less than ten nor more than twenty-five days, or both, in the discretion of the court.

Gambling.—**SEC. 152.** Forbids gambling: Each and every person who shall deal, play, or carry on, open or cause to be opened, or who shall conduct, either as owner, proprietor, or employee, whether for hire or not, any game of faro, monte, roulette, rouge-et-noir, lansquenet, rondo, vingt-un, twenty-one, poker, draw poker, brag, bluff, thaw, craps, or any banking or other game played with cards, dice, or any other device, whether the same shall be played for money, checks, credit, or any other representative of value, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, and shall be imprisoned in the county jail until such fine and costs are paid: *Provided*, That such person so convicted shall be imprisoned one day for every two dollars of such fine and costs: *And provided further*, That such imprisonment shall not exceed one year.

OFFENSES AGAINST PUBLIC CONVENIENCE.

[Chapter 9.]

Obstructing navigation.—**SEC. 153.** Throwing ballast into navigable streams: Penalty, in county jail three months to one year, or fine \$100 to \$500.

SEC. 154. Injuring buoys or beacons, a misdemeanor: Penalty, a fine, \$100 to \$200, or imprisonment in county jail one month to six months, or by both.

Tearing down notices.—SEC. 155. Tearing down notices posted in pursuance of any law requiring or authorizing the same: Penalty, imprisonment in county jail one month to six months, or fine \$50 to \$300.

OFFENSES AGAINST THE PUBLIC HEALTH.

[Chapter 10.]

Adulterated drugs or provisions.—SEC. 156. Knowingly selling unwholesome provisions: Penalty, imprisonment in county jail three months to one year, or fine \$50 to \$500.

SEC. 157. Adulterating provisions: Punished as in preceding section.

SEC. 158. Adulterating drugs: Punished as in section 156.

SECS. 159 and 160. Polluting water used for domestic purposes a misdemeanor.

SEC. 161. Penalty for violation of sections 159 and 160, fine \$10 to \$50, or imprisonment five to twenty-five days, or by both.

Spreading dangerous diseases.—SEC. 162. If any person shall inoculate himself or suffer himself to be inoculated, or shall inoculate another, with the smallpox or any other malignant or infectious disease, within said District, or, being so inoculated, shall come within said District with the intent to cause the prevalence or spread of such disease within said District, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

SEC. 163. Selling poison without label: Penalty, fine \$20 to \$100.

OFFENSES CONCERNING THE TELEGRAPH, TELEPHONE, AND SO FORTH.

[Chapter 11.]

SEC. 164. Refusing to transmit official dispatch in time of war, etc.: Penalty, fine not more than \$1,000, or imprisonment in jail not more than twelve months, or both.

SEC. 165. Malicious injury to telegraph or telephone, etc., a misdemeanor: Penalty, fine not to exceed \$500, or imprisonment not to exceed six months, or both, or shall be liable to the company whose property is injured in a sum equal to three times the amount of actual damages sustained.

SEC. 166. Divulging or altering dispatch a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed one year, or both.

SEC. 167. Sending or delivering false dispatch, a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed one year, or both.

SEC. 168. Using information contained in a dispatch, a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed one year, or by both; and shall be liable in treble damages to the party aggrieved for all loss sustained.

SEC. 169. Delaying or refusing to send a dispatch, a misdemeanor: Penalty, fine not to exceed \$500, or imprisonment not to exceed six months, or by both: *Provided*, That nothing herein contained shall be construed to require any message to be received, transmitted, or delivered unless the charges thereon have been paid or tendered, nor to require the sending, receiving, or delivery of any message counseling, aiding, abetting, or encouraging treason against the Government of the United States or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

SEC. 170. Opening or obtaining a dispatch intended for another, a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed one year, or by both; and shall be liable for damages.

SEC. 171. Taking information willfully and fraudulently from wire, a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed one year, or by both.

SEC. 172. Bribing operator to disclose private message, a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed one year, or both.

PROTECTION OF FUR-BEARING ANIMALS AND SALMON.

[Chapter 12.]

SEC. 173. Prohibits the killing of fur-bearing animals.

SEC. 174. Gives to the collector and deputy collectors for Alaska Territory power to arrest persons and seize vessels.

SEC. 175. Authorizes the Secretary of the Treasury to remit fines when the penalty was incurred without willful negligence or intention of fraud.

SEC. 176. St. Paul and St. George islands are declared a special reservation for Government purposes.

SECS. 177 and 178. Prohibits the killing of seal except at certain times and under certain conditions: Penalty, fine \$200 to \$1,000, or imprisonment not more than six months, or by both; and all vessels, tackle, etc., shall be forfeited to the United States.

SEC. 179. Obstruction in streams, preventing the ascent of salmon, prohibited.

SECS. 180, 181, and 182. Regulate the methods and times of fishing and provide for the appointment of inspectors for fisheries.

SEC. 183. Penalty for violating provisions of sections 179, 180, and 181, or regulations established in pursuance of section 182, fine not to exceed \$1,000, or imprisonment at hard labor not exceeding ninety days, or both. And in case of the violation of any of the provisions of section 179, and conviction thereof, a further fine of \$250 per diem will be imposed for each day that the obstructions are maintained.

MISCELLANEOUS DEFINITIONS AND PROVISIONS.

[Chapter 13.]

SEC. 184. Crimes are divided into felonies and misdemeanors. A felony is a crime punishable with death, or which is or may be punishable by imprisonment in the penitentiary. Every other crime is a misdemeanor.

SEC. 185. The parties to crime are classified as—

First. Principals.

Second. Accessories.

SEC. 186. All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the crime or aid and abet in its commission, though not present, are principals, and to be tried and punished as such.

SEC. 187. All persons who, after the commission of any felony, conceal or aid the offender, with knowledge that he has committed a felony and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories.

SEC. 188. In misdemeanors there are no accessories.

SEC. 189. Except in cases where a different punishment is prescribed by law, an accessory to a felony, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$100 nor more than \$500.

SEC. 190. No person is punishable for an omission to perform an act where such act has been performed by another person acting in his behalf and competent by law to perform it.

SEC. 191. Whenever, by any law relating to said district, an act is declared to be a misdemeanor, and no punishment is prescribed therefor, the person committing the same, upon conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by fine not more than \$500.

SEC. 192. If any person attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, such person, when no other provision is made by law for the punishment of such attempt, upon conviction thereof shall be punished as follows:

First. If the crime so attempted be punishable by imprisonment in the penitentiary or county jail, the punishment for the attempt shall be by like imprisonment, as the case may be, for a term not more than half the longest period prescribed as a punishment for such crime.

Second. If the crime so attempted be punishable by fine, the punishment for the attempt shall be by fine not more than half the amount of the largest fine prescribed as a punishment for such crime.

SEC. 193. The section last preceding must not be construed to protect a person who, in attempting unsuccessfully to commit a crime, accomplishes another or different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

SEC. 194. When a person is sentenced to imprisonment in the penitentiary his term of confinement therein commences from the day of his delivery at such prison to the proper officer thereof, and no time during which such person is voluntarily absent from such penitentiary can be estimated or counted as a part of the term for which such person was sentenced.

SEC. 195. A judgment of imprisonment in the penitentiary need only specify the duration and place of such confinement, and thereafter the manner of the confine-

ment and the treatment and employment of the person so sentenced shall be regulated and governed by whatever law may be in force prescribing the discipline of the penitentiary wherein he is confined and the treatment and employment of persons sentenced to confinement therein.

SEC. 196. A judgment of imprisonment in the penitentiary for any term less than for life suspends all civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during the term or duration of such imprisonment.

SEC. 197. A person sentenced to imprisonment in the penitentiary for life is thereafter deemed civilly dead.

SEC. 198. The person of a convict sentenced to imprisonment in the penitentiary is under the protection of the law, and any injury to his person not authorized by law is punishable in the same manner as if he was not convicted or sentenced.

SEC. 199. Whenever, in pursuance of the provisions of this act, any person is sentenced to imprisonment in the penitentiary, such sentence may be executed by the confinement of such person in the building at Sitka, in said district, now used for that purpose, or in any other place of confinement within or without the said district that may be designated by the court, and his place of imprisonment may be changed at any time, and from time to time, upon the order of the Attorney-General.

SEC. 200. Whenever the words "jail" or "county jail" occur in this act, the same shall be held to mean any house, building, structure, ship, or vessel used or suitable for the confinement of persons serving sentences for crime or awaiting trial therefor.

SEC. 201. The commencement and termination of a sentence of imprisonment in a county jail is to be ascertained by the rule prescribed in section one hundred and ninety-four of Title I, and the manner of such confinement and the treatment of the persons so sentenced shall be governed by whatever law may be in force prescribing the discipline of county jails: *Provided*, That the United States marshal for said district may, under such regulations as the Attorney-General may prescribe, employ or cause to be employed upon public works any or all persons sentenced to imprisonment in the jails or the penitentiary within said district: *And provided further*, That for the purpose of satisfying any judgment which may be given against a prisoner for any fine, or for the costs and disbursements in the proceedings against him, such prisoner shall be credited with two dollars for every day's labor performed by him in pursuance hereof.

SEC. 202. Any section of this act which declares that evidence obtained upon the examination of a person as a witness shall not be received against him in a criminal proceeding does not forbid such evidence being proved against such person upon any proceedings founded upon a charge of perjury committed by such person in such examination.

SEC. 203. No conviction of any person for crime works any forfeiture of any property, except in cases where the same is expressly provided by law; but in all cases of the commission or attempt to commit a felony the United States has a lien, from the time of such commission or attempt, upon all the property of the defendant for the purpose of satisfying any judgment which may be given against him for any fine on account thereof, and for the costs and disbursements in the proceedings against him for such crime.

SEC. 204. That the several sections of this act which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed; and whenever such punishment is left undetermined between certain limits or kinds, to determine the punishment to be inflicted in a particular case.

SEC. 205. That in all criminal prosecutions for libel the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and justifiable ends, the defendant must be found not guilty.

SEC. 206. That an injurious publication is presumed to have been malicious if no justifiable end or good motive is shown for making it.

SEC. 207. That any building is deemed a "dwelling house" within the meaning of the sections of this act defining the crime of arson any part of which has usually been occupied by any person lodging therein.

SEC. 208. That any building is deemed a "dwelling house" within the meaning of the sections of this act defining the crime of burglary any part of which has usually been occupied by any person lodging therein, and any structure joined to or immediately connected with such building.

SEC. 209. That whenever the terms mentioned in the following sections are employed in this act they are deemed to be employed in the senses hereafter affixed to them, except when a different sense plainly appears.

SEC. 210. That the term "signature" includes any name, mark, or sign written with intent to authenticate any instrument or writing.

SEC. 211. That the term "writing" includes printing.

SEC. 212. That the term "property" includes both real and personal property.

SEC. 213. That the word "person" includes corporations as well as natural persons; and where such word is used to designate the party whose property may be the subject of a crime, it includes said District, or any State, government, or country which may lawfully own any property in said District, and all municipal or public corporations and private corporations, as well as individuals.

SEC. 214. That the singular number includes the plural, and the plural the singular.

SEC. 215. That words used in the masculine gender comprehend as well the feminine and the neuter.

SEC. 216. That whenever, by any provision of this act, an intent to defraud is necessary to constitute a crime, it is sufficient if an intent appears to defraud any person, body politic, or corporation whatever.

SEC. 217. That the omission to specify or affirm in this act any liability to any damages, penalty, or forfeiture, or other remedy imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, does not affect any right to recover or enforce the same.

SEC. 218. The common law of England as adopted and understood in the United States shall be in force in said District, except as modified by this act.

SEC. 219. Nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act.

MISCELLANEOUS LAWS.

Protection of American seamen (Chap. 28, p. 736, approved December 21, 1898).—Amends previous laws. Section 2 prescribes that seamen deserting shall forfeit all wages earned.

SEC. 4. Amends section 4529, Revised Statutes. Masters or owners neglecting to pay seamen in manner hereinbefore mentioned shall pay to the seaman a sum equal to one day's pay for each and every day during which payment is delayed.

SEC. 7. Amends section 4556, Revised Statutes. On complaint of first and second officers, or majority of crew, that the vessel is too leaky or unfit to proceed on voyage, the master shall apply to the judge of the district court of the judicial district, or to some justice of the peace of the city, town, or place, for the appointment of surveyors. Any master neglecting to comply with these provisions shall be liable to penalty of \$500.

SEC. 9. Amends section 4558, Revised Statutes. If, after judgment that such vessel is fit to proceed on her intended voyage, the seamen shall refuse to proceed on the voyage, or any of them, he shall forfeit any wages due him.

SEC. 11. Amends section 4561, Revised Statutes. To knowingly send an unseaworthy ship to sea so that the life of any person is likely to be thereby endangered, a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed five years, or both.

SEC. 12. Penalty for failure to provide sufficient provisions as provided in section 4568 of the Revised Statutes. (See section 14.)

SEC. 14. Revises section 4568, Revised Statutes. Provides that if, during a voyage, the allowance of provisions to which any seaman is entitled is reduced except for any time during which such seaman neglects to perform his duty or is lawfully under confinement for misconduct, or if it shall be shown that any such provisions were bad in quality or unfit for use, the seaman shall receive—

First, if his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law a sum not exceeding 50 cents a day.

Second, if his allowance is reduced by more than one-third of such quantity a sum not exceeding \$1 a day.

Third, in respect of bad quality a sum not exceeding one dollar a day.

SEC. 15. Amends section 4572, Revised Statutes. Every vessel bound on any foreign voyage exceeding in length fourteen days, shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather: Penalty for violation by owner or master, not less than \$100.

SEC. 16. Amends section 4581 of the Revised Statutes. If any consular officer when discharging any seaman shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the discharge of any seaman, he shall be accountable to the United States for the full amount thereof.

SEC. 19. Amends section 4596 of the Revised Statutes. Seamen committing any of the following offenses shall be punished as follows:

"First. For desertion. If the offense occur at a port of the United States or a foreign port in domestic trade, by forfeiture of all clothes or effects he may leave on board and of all wages which he has earned. If the offense occurs at a foreign port in the foreign trade, by similar forfeiture and also at the discretion of the court by imprisonment for not more than one month.

"Second. For neglecting or refusing, without reasonable cause, to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his vessel or from his duty, not amounting to desertion or not treated as such by the master, if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute; or if the offense occur at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Third. For quitting the vessel, in whatever trade engaged, at a foreign or domestic port, without leave after her arrival at her port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture from his wages of not more than four days' pay, or upon arrival in a foreign port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum of not more than twelve days' pay or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or upon arrival in a foreign port, in addition to the above penalty, by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, in whatever trade engaged, by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, in whatever trade engaged, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

"Eighth. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, in whatever trade engaged, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall be liable to imprisonment for a period of not more than twelve months."

SEC. 22. Amends section 4611 of Revised Statutes. Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and no form of corporal punishment on board any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section or either thereof shall be deemed guilty of a misdemeanor, punishable by imprisonment not less than three months or more than two years.

SEC. 24. Amends section 10 of chapter 121, the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886. Makes it unlawful to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person. Violation misdemeanor: Penalty, fine not less than four times the amount of wages so advanced, and may also be imprisoned for a period not exceeding six months, at the discretion of the court.

If any person shall demand or receive from any seaman, etc., seeking employment any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not over \$100.

It is made lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children. Allotments are also permitted under certain regulations to seamen shipping to certain ports of an amount not exceeding one month's wages to

an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement.

Any person who shall falsely claim to be such relative as above described of a seaman under this section or shall make a false statement of the nature or amount of debt claimed to be due from any seaman under this section shall for every such offense be punished by a fine not exceeding \$500, or imprisonment not exceeding six months, at the discretion of the court.

This section shall apply to foreign vessels as to vessels of the United States, provided the treaties in force between the United States and foreign nations do not conflict.

Licenses of masters of sail vessels, etc. (chap. 29, p. 764, approved December 21, 1898).—An act concerning sail vessels of over 400 tons, and for other purposes.

Amends section 4438 of the Revised Statutes. Unlawful to employ any person as master, chief mate, engineer, or pilot of any steamer, or as master, or as chief mate of any sail vessel of over 700 tons, who is not licensed by the inspectors. Violation subjects to a penalty of \$100 for each offense.

Inspection of flour, District of Columbia (chap. 30, p. 765, approved December 21, 1898).—An act regulating the inspection of flour in the District of Columbia.

Provides for the appointment of two inspectors. Prescribes the dimension of barrels.

SEC. 4. If there is any false packing or mixture, the manufacturers or persons offering the same for sale or inspection shall forfeit and pay to the District of Columbia a fine of not less than \$1 nor more than \$5 for each and every such barrel and half barrel or sack, to be recovered as other fines and penalties are recovered.

SEC. 5. Every miller or bolter of flour shall put into barrels the quantity of 96 pounds, and into half barrels the quantity of 98 pounds; and if any miller or bolter of flour shall pack any barrel or half barrel with a less quantity of flour than by this act is required, he shall forfeit, if the deficiency be 1 pound, a sum not exceeding 10 cents, and for every pound above 1 deficient, 25 cents; and said inspectors are hereby required, whenever they, or either of them, have reason to suspect that any barrel or half barrel containing flour is falsely tared, to cause the flour to be started and the barrel or half barrel weighed; and whenever it shall appear that the barrel and half barrel weigh more than they are marked by the miller or owner, the said miller or owner shall forfeit and pay to the said District for each such offense at the rate of 10 cents for every pound after the first that the barrel or half barrel may weigh short, and shall moreover pay 25 cents for each and every barrel or half barrel, unless on examination the tare should prove correct, then in that case the cost and charges shall be paid by the inspector.

SEC. 6. Relates to inspection by boring, branding, and grading. No barrel or half barrel not examined and branded by the inspector shall be sold within the District under fine of \$1 for each and every barrel.

SEC. 7. Provides for the appointment of three good and competent judges of flour, whose duty it shall be monthly to select the standard for each grade of flour named in this act and each commissioner shall keep a standard for each grade for the examination of inspectors and for their government in inspection.

SEC. 8. Provides for an appeal from the inspectors to the commissioners of inspection.

SEC. 9. No inspector shall purchase, directly or indirectly, any flour other than for his own use, under a penalty of \$10 for each barrel or half barrel purchased.

SEC. 11. The penalty for fraudulently marking or packing after inspection, \$1 for each offense.

Embezzlement by consular officers (chap. 36, p. 770, approved December 21, 1898).—An act to amend sections 1697, 1698, and 1734 of the Revised Statutes of the United States relating to consul and vice-consul generals, consuls and vice-consuls, and commercial agents.

SEC. 3. Section 1734 of the Revised Statutes of the United States be, and the same is, amended to read as follows:

“SEC. 1734. Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of said moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, or who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys,

property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than two thousand dollars."

National Military Park at Vicksburg (chap. 176, p. 841, approved February 21, 1899).—Provides for the establishment of a national military park to commemorate the campaign, siege, and defense of Vicksburg.

SEC. 7. Makes it unlawful to injure property in said park: Penalty, fine \$5 to \$500. One-half for the use of the park, and the other half to the informant.

Sale of liquors on Sunday, District of Columbia (chap. 418, p. 1013, approved March 3, 1899).—An act to prevent the sale of intoxicating liquors on Sunday in the District of Columbia.

Makes it unlawful to sell or deliver any beer or other intoxicating liquors in the District of Columbia on the first day of the week, commonly called Sunday: Penalty, fine \$50 to \$500.

The Twelfth Census (chap. 419, p. 1014, approved March 3, 1899).—Establishes a census office and makes regulations for the taking of the Twelfth Census.

SEC. 20. If any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as enumerator or clerk or other employee, or shall in any way receive or secure to himself any part of the compensation provided in this act for the services of any enumerator or clerk or other employee, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than three thousand dollars, or be imprisoned not more than one year, or both, in the discretion of the court.

SEC. 21. Any supervisor, supervisor's clerk, enumerator, interpreter, special agent or other employee, who, having taken and subscribed the oath of office required by this act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, or shall, without the authority of the Director of the Census, communicate to any person not authorized to receive the same any information gained by him in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding \$500; or if he shall willfully and knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be imprisoned not exceeding three years and be fined not exceeding \$800; or if he shall willfully and knowingly make a false certificate or a fictitious return, he shall be guilty of a misdemeanor, and upon conviction of either of the last-named offenses he shall be fined not exceeding \$5,000 and be imprisoned not exceeding two years.

SEC. 22. Each and every person more than 20 years of age belonging to any family residing in any enumeration district or subdivision, and in case of the absence of the heads and other members of any such family, then any representative of such family, shall be, and each of them hereby is, required, if thereto requested by the Director, supervisor, or enumerator, to render a true account, to the best of his or her knowledge, of every person belonging to such family in the various particulars required, and whoever shall willfully fail or refuse to render such true account shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$100. And every president, treasurer, secretary, director, agent, or other officer of every corporation, and every establishment of productive industry, whether conducted as a corporate body, limited liability company, or by private individuals, from which answers to any of the schedules, inquiries, or statistical interrogatories provided for by this act are herein required, who shall, if thereto requested by the Director, supervisor, enumerator, or special agent, willfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, or shall willfully give false information, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$10,000, to which may be added imprisonment for a period not exceeding one year.

SEC. 23. All fines and penalties imposed by this act may be enforced by indictment or information in any court of competent jurisdiction.

SEC. 27. Makes it a misdemeanor to use the frank of the Census Office for private letters or packages; Penalty, fine \$300.

Rivers and harbors (chap. 425, p. 1121, approved March 3, 1899).—An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

SEC. 9. Makes it unlawful to construct or commence the construction of any bridge, dam, dike, or causeway from any port or harbor through navigable water of the United States until the consent of Congress shall have been obtained.

SEC. 10. Obstruction to navigation not authorized is forbidden.

SEC. 11. Provides for the establishment of harbor lines by the Secretary of War.

SEC. 12. Violation of sections 9, 10 and 11 a misdemeanor: Penalty, fine from \$500 to \$2,500, or by imprisonment not exceeding one year, or by both in the discretion of the court.

SEC. 13. Forbids the deposit of refuse in navigable waters.

SEC. 14. Forbids the use of sea walls, levees, dikes, wharves, and so forth, belonging to the United States, except the Secretary of War may permit temporary use.

SEC. 15. Unlawful to tie up or anchor vessels in navigable channels in such manner as to prevent or obstruct the passage of other vessel or craft. Owners of sunken vessels must mark them with a beacon.

SEC. 16. Violation of the provision of sections 13, 14, and 15 a misdemeanor: Penalty, fine from \$500 to \$2,500, or imprisonment thirty days to one year, or by both.

SEC. 18. In case of obstruction to navigation by the erection of bridges of insufficient height, width of span, etc., the Secretary of War shall give notice to the persons or corporations owning or controlling the bridge to alter the same, and shall prescribe a reasonable time in which to make such alterations. If at the end of the time such persons or corporations shall refuse to comply with the lawful order of the Secretary of War he shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$5,000, and every month such persons or corporations shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense subject to the penalties above.

The preservation of game and protection of birds in District of Columbia (chap. 417, p. 1013, approved March 3, 1899).—SEC. 1. Prescribes the close season for the protection of game and various birds: Penalty, fine five dollars for each violation, and in the default thereof imprisonment in the workhouse not exceeding thirty days.

SEC. 2. Makes it unlawful to have deer meat or expose it for sale between January 1 and September 1: Penalty, fine \$10, and, in default of payment, imprisonment in workhouse not exceeding sixty days.

SEC. 3. Protects various insectivorous birds: Penalty, fine \$5 for each bird captured, and, in default of payment, imprisonment in the workhouse not exceeding thirty days.

SEC. 4. Forbids shooting wild ducks and certain other birds at night: Penalty, fine \$5 for each bird so killed, and, in default of payment, thirty days in workhouse; also, \$20 fine for having any arm or device other than a gun habitually used at arm's length. In default of payment imprisonment in the workhouse not exceeding ninety days.

SEC. 5. Authorizes the inspection of places believed to contain game: Penalty for refusing to permit such inspection, fine \$25 to \$100 and, in default of payment, imprisonment in United States jail not exceeding six months.

SEC. 6. Persons knowingly trespassing on the lands of another for the purpose of shooting, after due notice by the owner or occupant of lands, shall be liable to such owner in exemplary damages to an amount not exceeding \$100. Notices shall be given by signboards, at least two for every 50 acres. Penalty for defacing or injuring such signboards, fine \$5 each, and, in default of such payment, imprisonment in workhouse not exceeding thirty days.

SEC. 7. Forbids shooting on Sunday: Penalty, not more than \$20 for each offense.

ALABAMA.

1896-97.

Felony and misdemeanor defined.—"A felony, within the meaning of this code, is a public offense which may be punished by death or by imprisonment in the penitentiary; all other offenses are called misdemeanors." (Code 1896, sec. 4652.)

"Any person who commits a public offense, which is a misdemeanor at common law or by statute, and the punishment of which is not particularly specified in this code, must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months." (Sec. 5414.)

All felonies and all misdemeanors, originally prosecuted in the circuit or city court, are indictable offenses." (Sec. 4891.)

GAME LAWS.

Hale County (No. 16, p. 16, approved November 28, 1896).—SEC. 1. Prohibits the purchase or sale of quail, commonly called partridge, in said county of Hale; it also prohibits the shipment of quail from the county. Violation, a misdemeanor: Penalty, fine of \$10 to \$50.

NOTE.—The above operates as amendment, so far as quail is concerned, to act of February 26, 1887. Former penalty, not less than \$3 nor more than \$20 for every such violation.

Bibb County.—An act for the preservation of game, animals, and birds in the county of Bibb. (No. 20, p. 20, approved November 30, 1896.)

Section 1 prohibits catching, killing, or injuring in the county of Bibb any wild buck, doe, or fawn between the fourteenth day of February and the twentieth day of October of any year; also catching, killing, or injuring any wild turkey between the first day of April and the twentieth day of October; it furthermore prohibits catching, killing, or injuring any wild turkey by baiting or catching in any pen; also, catching, killing, or injuring any turtledove between the first day of April and the first day of July; also catching, killing, or injuring any quail, sometimes called partridge, between the fifteenth day of March and the fifteenth day of September. It prohibits catching, killing, or injuring at all times of the year any wild duck or waterfowl in the nighttime.

Section 2 prohibits the destruction of the nests of any wild turkey or of any wild bird except the nests of crows, blackbirds, blue jays, hawks, owls, and other birds of prey in said county of Bibb. Violation a misdemeanor: Penalty, fine not less than \$10 nor more than \$50, one-half of which shall go to the informer and the other half to the fine and forfeiture fund of Bibb County.

NOTE.—Former penalty not less than \$10 nor more than \$20. Former disposition of penalty, one-half to the informer, the other half to the common-school fund of the county.

Chambers County.—An act for the preservation and protection of birds in Chambers County. (No. 25, p. 24, approved November 30, 1896.)

Section 1 prohibits the killing, trapping, or netting in Chambers County of any bird or birds, commonly called partridges at any time between the tenth day of March and the fifteenth day of October: Penalty for violation, a fine of \$10 to \$50.

Fayette County.—An act to repeal an act entitled "An act to provide for the protection and preservation of game, animals, and birds in Fayette County." (No. 40, p. 41, approved December 3, 1896.)

Said act, approved February 18, 1891, is repealed.

NOTE.—Act repealed protected deer and wild turkey between March 1 and October 1. The penalty was not less than \$5 nor more than \$25.

Calhoun County.—An act for the better preservation of game in Calhoun County, Ala. (No. 50, p. 52, approved December 5, 1896.)

SEC. 1. Prohibits selling of live quails; also the hunting or killing of quail in said county from March 1 to October 15. Violation, a misdemeanor: Penalty, fine \$10 to \$25.

NOTE.—Former penalty, see act February 27, 1889. Fine not less than \$100.

St. Clair and Dekalb counties.—An act to prevent persons from hunting with dog or gun, or with bird nets, upon the land of another in the counties of St. Clair and Dekalb, without first obtaining permission and written consent from the owner or agent of the land in cases where the same has been or is posted at three conspicuous places thereon. (No. 168, p. 425, approved January 26, 1897.)

Violation, a misdemeanor: Penalty, fine of \$10 to \$25, and may be sentenced to hard labor for the county for not more than thirty days.

Tallapoosa County.—An act for the preservation of game, animals, and birds in Tallapoosa County. (No. 209, p. 537, approved February 4, 1897.)

SEC. 1. Prohibits catching, killing, or injuring any wild buck, doe, or fawn between the first day of March and the first day of October; also, catching, killing, or injuring any wild turkey between the first day of April and the first day of October; also, catching, killing, or injuring any turtledove between the first day of April and the fifteenth day of July; also, catching, killing, or injuring any quail between the first day of March and the first day of October; also, catching, killing, or injuring any squirrel between the first day of April and the first day of October.

SEC. 2. Prohibits catching, killing, or injuring the mocking bird at any time; also,

the destruction of the nests of birds or fowls except crows, owls, hawks, and such birds of prey.

Sec. 3. Prohibits sale or purchase of any of the game or birds above mentioned during the seasons designated as closed.

Penalty, fine of \$1 to \$10, and \$1 to \$5 for each nest of eggs robbed or destroyed of the birds or game prohibited, together with the cost of prosecution.

Greene and Hale counties.—An act to prevent hunting on the lands of another without the consent of the owner of the title in fee simple or of a life estate therein, or of his authorized agent in the county of Greene, and in beats Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, and 17, Hale County, Ala. (No. 233, p. 632, approved February 9, 1897.)

Sec. 1. Prohibits hunting or shooting game of any kind on the lands of another, without consent of owner, within the district named in this act. Violation, a misdemeanor: Penalty, fine not more than \$20.

NOTE.—Act of February 12, 1891, made penalty for hunting or shooting in certain parts of Greene County not less than \$5 nor more than \$100.

Act of December 10, 1892, made penalty for trespass in certain precincts of Hale County, previous notice having been posted, not less than \$10 nor more than \$5,000.

Montgomery County.—An act for the preservation of game in Montgomery County. (No. 270, p. 684, approved February 9, 1897.)

Sec. 1. Prohibits catching, killing, or injuring certain game birds and animals within closed seasons as defined, in the county of Montgomery. Violation, a misdemeanor: Penalty, fine not more than \$100.

NOTE.—New features; changes closed seasons in certain instances. Includes other game. Simplified penalty as given in section 5, act of February 13, 1879.

Colbert County.—An act for the preservation of game, birds and animals in the county of Colbert. (No. 296, p. 736, approved February 11, 1897.)

Sec. 1. Prohibits catching, killing, or injuring certain game birds and animals within closed seasons as defined, in Colbert County. Violation, fine of \$3 to \$20.

NOTE.—Makes act of February 27, 1889, apply to whole county, with changes in closed seasons.

Various counties.—An act to amend an act to prevent hunting on land without written consent of owner or his agent, in Dallas, Madison, Autauga, Macon, Sumter, Talladega, Bullock, and Oak Grove, Perryville and Radfordville beats of Perry County, and beats Nos. 2 and 9 in Hale County, approved February 18, 1891. (No. 298, p. 738, approved February 11, 1897.)

As amended prohibits hunting or shooting game of any kind on lands of another without consent of owner within certain county districts of Alabama. Violation, a misdemeanor: Penalty, fine \$10 to \$50.

NOTE.—New feature: Adds counties of Greene and Barbour.

Conecuh County.—An act to amend section 1 of an act entitled "An act for the preservation of game in Conecuh County," approved December 11, 1891. (No. 348, p. 869, approved February 13, 1897.)

As amended prohibits killing within confines of Conecuh County, between March 1 and November 1, any deer, wild turkey, partridge or quail, or turtle dove; also destruction of eggs or nests of such game birds. Killing of squirrels also prohibited except by authority of owner of land. Violation, a misdemeanor: Penalty, fine \$10 to \$50, or sentence to hard labor for not more than twenty days.

NOTE.—New feature: Omission concerning squirrel in section 1 of "between the 1st day of August and the 1st day of October in any year."

Hale County.—An act for the preservation of game, animals, and birds in beat No. 17, in Hale County. (No. 364, p. 897, approved February 13, 1897.)

Sections of this act prohibit catching, killing, or injuring any wild buck, doe, or fawn, wild turkey, quail (sometimes called partridge), turtle dove, or mocking bird within closed seasons as defined; also robbing or destroying nests of wild birds, crows, blackbirds, blue jays, and other birds of prey excepted; also sale of game birds mentioned during season when catching, killing, or injuring the same is prohibited. Violation of provisions a misdemeanor: Penalty, not less than \$5 nor more than \$25.

NOTE.—New features—change in closed seasons for wild turkey, buck, doe, or fawn. Former penalty, not less than \$3 nor more than \$20.

Barbour County.—An act for the preservation of game and birds in Barbour County. (No. 551, p. 1225, approved February 18, 1897.)

SECTION 1. Prohibits catching, killing, or injuring any turtle dove between the

first day of April and the fifteenth day of July; also any quail (sometimes called partridge) between the first day of April and the first day of October, or to destroy the nests of same by removing eggs therefrom.

SEC. 2. Prohibits catching, killing, or injuring any of the above-named birds for the purpose of sale or barter. Violation of provisions a misdemeanor: Penalty, fine not less than \$5 nor more than \$20.

NOTE.—New features—change of closed season for turtledoves, also for quail. Former penalty, not less than \$3 nor more than \$20.

Jefferson County.—An act to protect certain birds in Jefferson County. (No. 593, p. 1305, approved February 18, 1897.)

SEC. 1. Prohibits catching or killing any partridge or quail in Jefferson County. Violation, a misdemeanor: Penalty, fine not more than \$100.

LIQUOR LAWS.

Elba, Coffee County.—An act to prohibit the manufacture, sale, giving away, or otherwise disposing of any distilled, vinous, malt, or alcoholic liquors of any kind within five miles of the Elba high school, in the town of Elba, Coffee County, Ala. (No. 66, p. 79, approved December 7, 1896.) Violation, a misdemeanor: Penalty, fine \$50 to \$500.

St. Florian.—An act to prohibit the sale of spirituous, vinous, and malt liquors within 1 mile of the public schoolhouse in the village of St. Florian, in the county of Lauderdale, Ala. (No. 75, p. 84, approved December 7, 1896.)

SEC. 1. Prohibits sale of liquors within district stated. Violation, a misdemeanor: Penalty, fine \$15 to \$100.

Jackson County.—An act to prohibit the manufacture, sale, or giving away of spirituous, vinous, or malt liquors within 5 miles of Mount Moriah Baptist Church, Bethel Baptist Church, Harmony Baptist Church, Kyle Spring Methodist Church, or Mount Ararat Methodist Church in Jackson County. (No. 93, p. 136, approved December 9, 1896.) Violation, a misdemeanor: Penalty, \$50 to \$500.

NOTE.—Act of December 9, 1884, authorizing election to prohibit in Jackson County, repealed by act of December 4, 1888. Act of December 10, 1888, prohibits in certain parts of Jackson County: Penalty, \$20 to \$500.

Present act enlarges territory prohibited and modifies penalty.

Shelby County.—An act to prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous, or malt liquors within 5 miles of the Sagihaw Methodist Episcopal Church, Shelby County, Ala. (No. 113, p. 159, approved December 9, 1896.)

Violation, a misdemeanor: Penalty, fine for first offense, \$10 to \$100; second offense, fine \$20 to \$300.

NOTE.—Similar law affecting neighborhood of Grove Church, December 12, 1888: Penalty, fine not less than \$50 nor more than \$200, or hard labor not less than three nor more than six months.

Dale County.—An act to provide for and regulate the sale of liquors and other intoxicating drinks in Dale County, Ala. (No. 170, p. 427, approved January 27, 1897.)

SEC. 1. Prohibits sale of liquors except in incorporated towns.

SEC. 2. Provides for obtaining license under certain conditions.

SEC. 3. Declares that anyone obtaining fraudulent license is guilty of a misdemeanor: Penalty, in addition to payment of costs, fine not less than \$100.

Violation of provisions of this act a misdemeanor: Penalty, fine \$100 to \$500, which fine must be paid in money, and, in addition to said penalty, may be sentenced to imprisonment in the county jail or hard labor for the county for not less than one month nor more than six months.

NOTE.—Under act of February 18, 1891, affecting portions of Dale County, the sale or giving away of spirituous liquors prohibited under penalty of not less than \$25 nor more than \$100 for the first offense. Each subsequent conviction added to the fine imprisonment not less than one nor more than six months.

Bullock County.—An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating ciders, bitters, or beverages, or fruits preserved in alcoholic liquors, within precinct 8 including the incorporations of the towns of Fitzpatrick and Thompson, in Bullock County, Ala. (No. 179, p. 444, approved January 29, 1897.)

Penalty for violation, fine \$50 to \$200 for each offense, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not more than three months.

Bullock County.—An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating ciders, bitters, or beverages, or fruits preserved in alcoholic liquors, within the radius of 3 miles of Indian Creek Baptist Church, in precinct No. 5, in Bullock County, Ala. (No. 211, p. 540, approved February 4, 1897.)

Violation subjects to fine of \$50 to \$200.

NOTE.—Act of February 28, 1881. Violation subject to fine not more than \$500 and possible imprisonment at hard labor not more than six months.

Geneva County.—An act to provide for and regulate the sale of liquors and other intoxicating drinks in Geneva County, Ala. (No. 224, p. 599, approved February 6, 1897.)

SEC. 1. Prohibits sale of liquors in Geneva County except in the incorporated towns of the county.

SECS. 2 and 3. Provide for obtaining license, and declare fraudulent petition for license a misdemeanor: Penalty, in addition to costs, fine not less than \$100.

Violation a misdemeanor: Penalty, fine \$100 to \$500, and may be sentenced to imprisonment in the county jail or hard labor for the county for not less than one nor more than six months, or both.

NOTE.—New feature: Former penalty not more than \$100 or sentence to hard labor for not more than six months.

Henry County.—An act to prohibit the sale, giving away, or otherwise disposing of vinous, spirituous, or malt liquors, intoxicating cider, bitters, or beverages within a radius of 6 miles of the Methodist Church, in Gordon County, Ala. (No. 225, p. 602, approved February 6, 1897.)

SEC. 1. Prohibits sale of liquors as stated in act.

Violation, a misdemeanor: Penalty, fine \$50 to \$500, and may be sentenced to hard labor for the county for a term not exceeding twelve months.

NOTE.—Criminal Code 5076, amended February 18, 1891, makes penalty for retailing or selling without license same as above, but with "term of hard labor not more than six months."

Calhoun County.—An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors in Calhoun County, Ala. (No. 267, p. 683, approved February 9, 1897.)

SEC. 1. Prohibits sale of liquors as stated in act, except in incorporated towns and cities of Calhoun County.

Violation, a misdemeanor: Penalty, fine \$50 to \$500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

NOTE.—Enlarges former act affecting certain parts of the county, and adds to penalty term of imprisonment.

Mountainboro.—An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors or other intoxicating drinks within 2 miles of Smith's Chapel Methodist Church and Phillippi Church at Mountainboro. (No. 268, p. 683, approved February 9, 1897.)

SEC. 1. Prohibits the sale of liquors as stated in act. Violation, a misdemeanor: Penalty, fine \$20 to \$100.

Franklin County.—An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors or intoxicating bitters at or within 2½ miles of the Thorp Springs Baptist Church, situated in Stouts beat, Franklin County. (No. 272, p. 688, approved February 9, 1897.)

Penalty for violation, fine \$20 to \$200.

Barbour County.—An act to prohibit the sale, giving away, or disposing of spirituous, vinous, or malt liquors, or any intoxicating bitters or beverages within 1 mile of Old Mount Zion Baptist Church, Barbour County. (No. 273, p. 689, approved February 9, 1897.)

Violation, a misdemeanor: Penalty, fine not less than \$20, and may also be imprisoned in county jail not exceeding thirty days.

Tallapoosa County.—An act to prohibit the manufacture, sale, or giving away of alcoholic, spirituous, vinous, or malt liquors in township 19, range 23, in Tallapoosa County. (No. 280, p. 703, approved February 11, 1897.)

Violation, a misdemeanor: Penalty, fine \$50 to \$500.

Barbour County.—An act to prohibit the sale or bartering of any spirituous, vinous, or malt liquors, or intoxicating bitters or beverages within the corporate limits of the town of Clayton, in the county of Barbour, and to provide for the

refunding of money paid for State and County license for time revoked by this act. (No. 317, p. 784, approved February 11, 1897.)

Violation, a misdemeanor: Penalty, fine \$50 to \$500.

Randolph County.—An act to regulate the sale of spirituous, vinous, and malt liquors in the corporate limits of the town of Roanoke, in Randolph County, Ala. (No. 343, p. 862, approved February 13, 1897.)

SEC. 1. Provides for high license in town of Roanoke and prohibits sale of liquors without such license.

Violation, a misdemeanor: Penalty, fine of \$500, and may be sentenced to hard labor for the city for six months.

SEC. 2. Prohibits sale of liquors in town of Roanoke after 9 o'clock at night or before 6 o'clock in the morning, or on the Sabbath Day, Christmas Day, any election day, or at any other time that the sale of liquors is forbidden by the general State law.

Violation, a misdemeanor: Penalty, fine \$100 to \$500 for first offense; and for each subsequent offense fine of \$500, and may also be imprisoned in the county jail or sentenced to hard labor for the city for not more than six months.

SEC. 3. Prohibits sale of liquors in town of Roanoke to any minor or to any person of known intemperate habits.

Violation, a misdemeanor: Penalty, forfeiture of license and fine of \$500, and may be sentenced to hard labor for the city for six months.

SEC. 5. Prohibits games in saloons in town of Roanoke; also use of screens or blinds to obstruct view from outside during business hours.

Violation, a misdemeanor: Penalty, fine \$100 to \$500.

SEC. 6. Declares it a misdemeanor for any person to allow drunken or disorderly persons to assemble or loiter in his place of business.

Criminals under this act may be hired out in such manner as provided by State and county.

Town of Lafayette.—An act to regulate the sale of spirituous, vinous, and malt liquors within the corporate limits of the town of Lafayette, Ala. (No. 380, p. 918, approved February 15, 1897.)

SEC. 1. Provides for license in town of Lafayette, and prohibits sale of liquors without such license.

Violation, a misdemeanor: Penalty, fine of \$500 and may be sentenced to hard labor for the county for six months.

SEC. 2. Prohibits sale of liquors in town of Lafayette after 9 o'clock at night or before 5 o'clock in the morning, or on the Sabbath Day, Christmas Day, any election day, or at any other time forbidden by the general State law.

Violation, a misdemeanor: Penalty, for first offense, fine \$100 to \$500; and for each subsequent offense fine of \$500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

SEC. 3. Prohibits any person from entering the house where liquor is sold in town of Lafayette on the Sabbath Day, unless permission be obtained from the intendent, and he is accompanied by the constable of said town.

Violation, a misdemeanor: Penalty, fine \$50 to \$100.

SEC. 4. Prohibits sale of liquors to minors in town of Lafayette; also, to persons of known intemperate habits.

Violation, a misdemeanor: Penalty, fine of \$500 and sentence to hard labor for the county for six months.

SEC. 6. Prohibits game of any kind, billiards, pool, or any other kind of gaming table in house where liquors are sold in town of Lafayette; also use of screen or blinds to obstruct view from the outside.

Violation of provisions of this section, a misdemeanor: Penalty, fine \$200 to \$500.

SEC. 7. Prohibits any person from allowing drunken or disorderly persons to assemble or loiter in his place of business: Violation, a misdemeanor.

Lee County.—An act to prohibit the sale or giving away or otherwise disposing of vinous, spirituous, or malt liquors, or intoxicating bitters or beverages within beat No. 10 in Lee County. (No. 388, p. 926, approved February 15, 1897.)

Violation, a misdemeanor: Penalty, fine, \$50 to \$500, and may be sentenced to hard labor for the county for a term not exceeding twelve months.

Fayette County.—An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or any intoxicating bitters within 4 miles of the Tuscaloosa district high school, situated at Berry Station, Fayette County, Ala. (No. 389, p. 927, approved February 15, 1897.)

SEC. 1. Prohibits sale of liquors as stated in act. Violation, a misdemeanor: Penalty, fine \$50 to \$500, and may also be sentenced to hard labor for the county for not more than six months.

Russell County.—An act to prohibit the sale of or giving away or otherwise disposing of vinous, spirituous, or malt liquors or intoxicating bitters, beverages, or other intoxicating drinks within beat No. 1 (commonly known as Girrard Beat), in Russell County. (No. 391, p. 929, approved February 15, 1897.)

Violation, a misdemeanor: Penalty, fine \$50 to \$500, and may be sentenced to hard labor for the county for a term not exceeding twelve months.

Tuscaloosa County.—An act to prohibit the sale of spirituous, vinous, or malt liquors within that part of Tuscaloosa County which lies outside of the incorporated towns and cities. (No. 396, page 933, approved February 15, 1897.)

Violation, a misdemeanor: Penalty, fine \$15 to \$100.

NOTE.—Act of February 28, 1881, concerning portion of county, made penalty not less than \$50 nor more than \$500 and imprisonment not more than six months.

Town of Nanett.—An act to regulate the sale of spirituous, vinous, and malt liquors within the corporate limits of the town of Nanett, Ala. (No. 427, p. 966, approved February 15, 1897.)

NOTE.—Provisions and penalties of this act correspond with act No. 380, page 918, with regard to sale of liquors in town of Lafayette, Ala., above.

Town of Boaz.—An act to prohibit the sale or giving away of alcoholic, spirituous, vinous, or malt liquors within 3 miles of the Methodist Church, Methodist Episcopal Church, and Baptist Church, within the town of Boaz, Marshall County. (No. 448, p. 1030, approved February 15, 1897.)

Violation, a misdemeanor: Penalty, fine \$50 to \$500.

Various towns and counties.—An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating bitters or beverages within 6 miles of Dothan High School, except in Dothan, Henry County, and other incorporated towns; and within 1 mile of the Baptist Church in the town of Victoria, in Coffee County; and within 3 miles of Pleasant Hill Methodist Church in Coosa County; and within 3 miles of Baileytown, Cullman County; and within 3 miles of Indian Creek Baptist Church in precinct No. 5, in Bullock County; and within 6 miles of the Agricultural School in the town of Abbeville, Henry County; and within Frankfort beat No. 3 in Franklin County; and within 3 miles of Hills Chapel and Siloam Church, situated in Hills beat, Franklin County; and within 3 miles of Bethany Methodist Episcopal Church South, in beat 12, Coosa County; and within precinct No. 8, including the incorporations of the towns of Fitzpatrick and Thompson, in Bullock County; and within 3 miles of the town of Woodville, in Jackson County; and the sale of spirituous bitters or intoxicating beverages in Montgomery County outside of police jurisdiction of the city of Montgomery; in beat 1 in Barbour, provided, however, the law shall not be enforced in beat 1 in Barbour County until December 31, 1897. (No. 468, p. 1062, approved February 16, 1897.)

Violation, a misdemeanor: Penalty, fine \$10 to \$100 for the first offense; second offense, fine \$20 to \$500, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than thirty days.

NOTE.—Omnibus bill, affecting certain portions of certain counties, of similar import to other acts of like character.

Town of Tuskegee.—(No. 128, p. 220, approved December 9, 1896.)

Provides that in addition to the license required by the general license law of the State no person shall sell liquors in the town of Tuskegee without paying into the treasury of said town the sum of \$1,000 for license. Selling without license a misdemeanor: Penalty, fine \$500 for each offense, and may be sentenced to hard labor for the county to six months.

SEC. 3. Forbids the selling of liquor to minors and inebriates. Violation, misdemeanor: Penalty, forfeiture of license; fine, \$500, and sentenced to hard labor for the county for six months.

SEC. 5. Prohibits games of all kind in any house where liquors are sold in said town. The keeping of billiard, pool, or any other gaming table forbidden. The use of screens or blinds to obstruct view to the doors and windows forbidden. Violation, misdemeanor: Penalty, fine \$100 to \$500.

SEC. 6. Drunken or disorderly persons must not be allowed to assemble or loiter in such place of business. Violation, misdemeanor.

Liquor selling on certain camp grounds.—(No. 570, p. 1261, approved February 18, 1897.)

Incorporates "Peaceburg camp ground," in Calhoun County, and "Texas camp ground," in Macon County, each embracing a square of 1 mile each way from the

principal place of worship of the respective camp grounds, with the immunities of municipal corporations. The trustees, bona fide cabin owners and tent holders of the respective camp grounds as are qualified electors of the respective counties of Calhoun and Macon, are empowered to elect an intendant and marshal and to preserve and maintain order and impose penalties not to exceed imprisonment in the county jail for forty-eight hours, and fines not to exceed \$50 in any case.

SEC. 4. Prohibits the sale of malt or intoxicating liquors within 1 mile of said camp grounds.

SEC. 5. Violation of any provision of the act, misdemeanor: Penalty, fine \$1 to \$50, and may be imprisoned in county jail for not more than forty-eight hours.

Beat 17, Coffee County.—(No. 640, p. 1454, approved February 18, 1897.)

SECTION 1. Unlawful to sell or give away intoxicating liquors in Beat 17, in Coffee County.

SEC. 2. Violation, misdemeanor: Penalty, fine \$25 to \$100.

Brookwood.—An act to prohibit, within 5 miles of Brookwood, in Tuscaloosa County, the soliciting or taking of orders to be filled elsewhere of alcoholic, vinous, or malt liquors, or other intoxicating bitters or beverages of fruits preserved in alcoholic liquors. (No. 491, p. 1118, approved February 16, 1897.)

Violation, a misdemeanor: Penalty, fine \$50 to \$100, and may also be imprisoned in the county jail for not less than one nor more than six months.

NOTE.—Act of February 18, 1891, prohibits sale: Penalty, not less than \$25 nor more than \$100 for first offense. Subsequent conviction, imprisonment not less than one nor more than six months.

New feature, to solicit or take orders, etc.

Cherokee County.—An act prohibiting the sale of or giving away of any spirituous, vinous, or malt liquors within 5 miles of any schoolhouse or church of any denomination in Cherokee County. (No. 509, p. 1152, approved February 17, 1897.)

SEC. 1. Prohibits sale of liquors as designated in act. Violation, a misdemeanor: Penalty, fine for first offense, \$10 to \$100; second offense, fine \$20 to \$200; third or any subsequent offense, fine \$50 to \$500, and may also be imprisoned in county jail or sentenced to hard labor for the county for not more than thirty days.

Limestone County.—An act to prohibit the sale, giving away, or otherwise disposing of any alcoholic, vinous, or malt liquors, or other intoxicating drinks or beverages within 3 miles of Wesley's Chapel, in Shoalford beat, in Limestone County. Also beats 5, 6, and 7, known respectively, as Gilbertsboro, Wickam, and Pleasant Grove, in west Limestone. (No. 513, p. 1157, approved February 17, 1897.)

Violation, a misdemeanor: Penalty, fine \$50 to \$500, or imprisonment in county jail not less than three months.

Chilton County.—An act to prohibit the sale, giving away, delivering, or otherwise disposing of any spirituous, vinous, or malt liquors, or intoxicating bitters, beverages, or drinks within the limits of Chilton County, Ala. (No. 519, p. 1170, approved February 17, 1897.)

SEC. 1. Prohibits sale of liquors within the district named in act.

Violation, a misdemeanor: Penalty, fine \$50 to \$500 and imprisonment in county jail or put to hard labor for the county for a period not less than thirty days nor more than six months, or both.

Montevallo.—An act to prohibit the sale or other disposition of alcoholic, spirituous, vinous, or malt liquors, or intoxicating bitters or beverages within 10 miles of the Alabama Industrial School building at Montevallo, in Shelby County, Ala. (No. 604, p. 1346, approved February 18, 1897.)

SEC. 1. Prohibits the sale of liquor within the district named in act. Violation, a misdemeanor: Penalty, fine \$50 to \$100, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months.

Omeonta.—An act to prohibit the sale, giving away, or otherwise disposing of alcoholic or spirituous, vinous, or malt liquors, intoxicating bitters, wines, or fruits preserved in such intoxicants within 5 miles of the court-house in the city of Omeonta, Ala., and to repeal all laws in conflict with the same. (No. 605, p. 1347, approved February 18, 1897.)

SEC. 1. Prohibits the sale of liquors within the district name in act. Violation, a misdemeanor: Penalty, fine not less than \$50 nor more than \$500, and may be imprisoned in the county jail or sentenced to hard labor for not more than ninety days.

NOTE.—New feature; preservation of fruits in alcohol or in any of fluids named in act.

STOCK LAWS.

Elmore County.—An act to establish stock law in beats 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, and 15, in Elmore County. (No. 171, p. 430; approved January 28, 1897.)

SEC. 2. Declares owner of stock liable for damages committed.

SEC. 3. Defines manner of proceeding to recover damages.

SEC. 5. Declares duty of complainant to make demand for damages before bringing suit.

SEC. 6. Owner of stock who knowingly allows stock to run at large in violation of provisions of this act is guilty of a misdemeanor: Penalty, fine \$2 to \$25.

SEC. 7. Defines duty of party taking up trespassing stock.

SEC. 8. Manner of procedure where owner is unknown.

NOTE.—New features; enlarges scope of territory; denies right of appeal; prescribes penalty.

Monroe County.—An act to prevent stock from running at large in certain parts of Monroe County. (No. 172, p. 434, approved January 28, 1897.)

SEC. 1. Defines districts where stock is prohibited from running at large.

SEC. 2. Provides for impounding and sale of trespassing stock.

SECS. 3 and 4. Deal with proceeds of sale.

Penalty for willfully causing stock to trespass, fine not more than \$20.

NOTE.—Act of February 26, 1889, makes owner of stock suffered to run at large guilty of misdemeanor. Fine, not less than \$3 nor more than \$25.

Randolph County.—An act to prevent stock from running at large in sections 4, 5, 6, 7, 18, 19, and the N.W. $\frac{1}{4}$ and W. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ and N. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ of section 8, and that part of section 3 west of the Big Tallapoosa River, all in township 19 of range 10, in Randolph County. (No. 173, p. 436, approved January 29, 1897.)

SEC. 1. Prohibits all persons from allowing their stock to run at large as stated in the act. Violation, a misdemeanor: Penalty, fine \$5 to \$50.

Following sections deal with assessment for damages, prosecution of civil suits for damages, holding of stock by damaged party.

NOTE.—Enlarges acts of February 21, 1893, which revised section 4 of act of February 27, 1889, repealed by act of December 10, 1892.

Coosa County.—An act to prevent stock from running at large in beat 16, Coosa County, Ala. (No. 202, p. 518, approved February 3, 1897.)

SEC. 1. Prohibits stock from running at large as stated in the act. Violation by owner, a misdemeanor: Penalty, fine \$5 to \$50.

Following sections deal with amount of damages recoverable, prosecution, and the right of citizens to erect gates across public and private roads.

NOTE.—Based on act of February 26, 1887.

Madison County.—An act to amend section 1 of an act to prevent hogs from running at large in Madison County, approved February 16, 1891. (No. 245, p. 648, approved February 9, 1897.)

SEC. 1. Defines district within limits of which hogs are prohibited from running at large. Violation, a misdemeanor: Penalty, fine \$3 to \$10.

Following sections declare owner liable for damages of trespassing hogs and provide for recovery of same.

NOTE.—Amendment affects territory only.

Calhoun County.—An act to provide and establish a stock law for Calhoun County. (No. 362, p. 887, approved February 13, 1897.)

Sections 1 to 7 provide for establishment of stock law by election in Calhoun County.

Sections 8 to 14 deal with damages incurred by stock running at large, and provide for impounding and selling of same.

Violation of law by taking away impounded stock without first paying fees, allowing stock to run at large or to graze or wander upon any public road or bridge, destroying gates erected across any public or private road, discharging any gun or other firearm within any pastures where stock are confined, a misdemeanor: Penalty for such violations, fine varying from \$1 to \$25.

Bullock County.—An act to amend an act entitled "An act for the protection of land and plantations from depredations by stock in Bullock County, approved December 8, 1880," approved February 11, 1883. (No. 376, p. 910, approved February 13, 1897.)

As amended, makes it unlawful to permit any horse, mule, ass, cow, hogs, sheep, or

goats to go or run at large off the premises of the owner. Provides for taking up and sale of trespassing stock.

Any person taking up any animal wrongfully is declared guilty of a misdemeanor, and is subject to fine not exceeding \$200.

Mobile County.—An act to prevent hogs from running at large in Mobile County within 7 miles of the court-house of said county. (No. 414, p. 954, approved February 15, 1897.)

Owners permitting hogs to run at large, guilty of a misdemeanor: Penalty, fine not more than \$25.

Tuscaloosa County.—An act to prevent stock from running at large in certain portions of Tuscaloosa County. (No. 510, p. 1153, approved February 17, 1897.)

Sec. 1. Defines district wherein stock is prohibited from running at large.

Secs. 2 and 3. Declare owner of stock liable for damages of trespassing stock and provide for recovery of damages.

Owner of stock knowingly suffering such stock to run at large, guilty of misdemeanor: Penalty, fine \$3 to \$25.

Randolph County.—An act to prevent stock from running at large in sections 28 and 33, township 20, range 10, in Randolph County. (No. 653, p. 1480, approved February 18, 1897.)

Owner permitting such stock to go upon the land or crop of another, guilty of a misdemeanor: Penalty, fine \$5 to \$50.

Other sections of this act provide for recovery of damages.

Talladega County (No. 198, p. 509, approved February 2, 1897).—Forbids the running at large of stock in certain portions of Talladega County.

Sec. 8. Persons causing stock to break away from owners or herdsman may be fined not less than \$25 nor more than \$500.

Shelby County (No. 557, p. 1244, approved February 18, 1897).—Authorizes the holding of an election in beat No. 10 of Shelby County, to determine whether or not stock shall run at large in said beat.

Sec. 1. Provides that an election shall be ordered by the probate judge on the petition of twenty householders and freeholders. Public notice of election to be given of from twenty to thirty days. Those favoring the running of stock at large shall have on their ballots "stock at large;" those opposing shall have on their ballots "no stock at large." If the majority of the votes, as certified by the managers, are in favor of prohibiting stock from running at large, provision is made for record and publication of the same. The act to be in full force sixty days thereafter. Stock owners permitting stock to go upon the lands of another within the prohibited territory shall be guilty of a misdemeanor. Fine from \$5 to \$25.

Sec. 3. Provides that any officer failing to perform his duty under this act shall be guilty of a misdemeanor. Fine \$100 to \$1,000.

Randolph County. (No. 653, p. 1480, approved February 18, 1897).—Persons are prohibited from allowing their stock to run at large within the limits of sections 28 and 33, township 20, range 10, Randolph County. Violation a misdemeanor: Penalty, fine \$5 to \$50.

MISCELLANEOUS LAWS.

Protecting outstanding crops.—An act to amend section 1 of an act to protect outstanding crops in the county of Mobile, approved February 27, 1889. (No. 27, p. 25, approved November 30, 1896.)

Section 1 declares that any person who steals any part of an outstanding crop of potatoes or cabbages in Mobile County is guilty of petit larceny.

Violation subjects to penalty of imprisonment in the county jail or sentence to hard labor for the county for not more than twelve months; also subject to fine of not more than \$500, at the discretion of the jury.

NOTE.—New feature: "Guilty of petit larceny," formerly "guilty of grand larceny." Former penalty hard labor for the county for not less than one nor more than two years.

Former law gave power of arrest to any person seeing anyone violating the act, making him for the purpose a duly qualified deputy sheriff.

Trespass.—An act to amend section 3874 (4419-4120) of the Code of Alabama. (No. 35, p. 34, approved December 3, 1896.)

As amended the section defines trespass after warning and fixes the penalty for same; fine not more than \$100, also imprisonment in county jail or sentence to hard labor for the county for not more than three months.

Law partners.—An act to prohibit the law partner or partners of circuit, city, or county solicitors of this State from defending cases in any county in this State where said solicitor prosecutes. (No. 47, p. 49, approved December 3, 1896.) Violation, a misdemeanor: Penalty, fine of not more than \$500.

State capitol.—An act for the protection of the State capitol and the grounds around it. (No. 95, p. 143, approved December 9, 1896.)

Sec. 1. Prohibits commission of injury or depredation of any kind within capitol building or upon capitol grounds.

Violation, a misdemeanor: Penalty, fine not exceeding \$50, and if not paid imprisonment in county jail for not more than three days.

Watchmen to act as capitol policemen.

Protection of records.—An act to amend section 5 of an act entitled "An act to regulate the times of holding circuit courts in the western division of Blount County, and to provide records therefor, and to require the clerk of the circuit court of said county to keep a deputy clerk and office at Bangor, in said western division," approved December 13, 1892. (No. 102, p. 150, approved December 9, 1896.)

As amended provides for examination of records, and declares it unlawful for any person to take or remove out of said western division any such books, records, or papers.

Circuit clerk of said county failing in duty shall be subject to a penalty of \$200.

NOTE.—New feature: Section 5, concerning records and penalty.

Forest fires.—An act to prevent fires getting out in the woods in Wilcox County, Ala. (No. 105, p. 153, approved December 9, 1896.)

Sec. 1. Prohibits the carrying of torchlights through the woods in said county; also the building of a fire of any kind within said woods.

Violation, a misdemeanor: Penalty, fine not less than \$10 nor more than \$50.

Forest fires.—An act to preserve the fields and forests of Sumter County against fires. (No. 216, p. 583, approved February 6, 1897.)

Sec. 1. Prohibits setting fire to any field or forest in Sumter County other than belonging to the person setting said fire.

Violation, a misdemeanor: Penalty, not less than \$2.50 nor more than \$100.

Peddlers of drugs and medicine.—An act to levy a license tax, State and county, on all peddlers of medicine, drugs, or articles of like character in the counties of Macon, Jefferson, Calhoun, Autauga, Bullock, Tallapoosa, Marengo, Monroe, Lee, Talladega, Montgomery, Coffee, Barbour, Dekalb, Wilcox, Elmore, Dallas, Sumter, Tuscaloosa, Russel, Chambers, and Greene. (No. 110, p. 156, approved December 9, 1896.)

Sec. 1. Provides license tax for peddlers in counties named.

Sec. 2. Selling without license a misdemeanor: Penalty, fine not less than \$500 nor more than \$1,000.

Unjust competition.—An act to protect the resident taxpayers of Sumter and Pickens counties from unjust competition. (No. 205, p. 531, approved February 3, 1897.)

Sec. 1. Prohibits any person who has not been a bona fide resident of Sumter County or of Pickens County for twelve months prior to his engaging in such business to engage in the business of selling secondhand clothing or goods of fire sales, pawn shops, or of other like nature.

Violation, a misdemeanor: Penalty, fine of \$100.

Garnishment.—An act to amend an act entitled "An act to regulate the issue of garnishments and the proceedings thereon in the county of Morgan, approved February 1, 1895. (No. 151, p. 310, approved December 9, 1896.)

As amended, defines action of plaintiff before justice of the peace or notary public and provides for recovery of costs.

Justices of the peace or notaries public prohibited from acting as attorneys or prosecutors in cases where garnishment has been issued from and made returnable to their courts.

Violation subjects to penalty of fine not less than \$50 nor more than \$500.

NOTE.—New feature: Words defined in section 6, viz: "That articles of comfort and support, under the provisions of this act, shall embrace, in addition to the ordinary meaning of said words, articles of luxury, such as tobacco, jewelry, and spirituous, vinous, and malt liquors."

Bookmaking and pool selling.—An act to prohibit bookmaking or pool selling on horse racing, and other forms of gambling. (No. 215, p. 581, approved February 5, 1897.)

SEC. 1. Prohibits all pool selling on horse races.

Violation, a misdemeanor: Penalty, fine \$50 to \$500, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

SEC. 2. Prohibits brokerage agency in buying any pool upon the event of any horse race, either within or without the State.

Violation, a misdemeanor: Penalty, as provided in section 1.

SEC. 3. Prohibits bookmaking or pool selling for betting upon the event of any horse race or other race or contest, either within or without the State.

Violation, a misdemeanor: Penalty, fine \$100 to \$500, and imprisonment in the county jail for not less than one month nor more than one year.

NOTE.—Act of February 26, 1889, amended February 18, 1895, made more emphatic—

First, by forbidding pool selling.

Second, by change of penalty. Former penalty, \$25 to \$500; second conviction, imprisonment or hard labor thirty days.

New feature, section 3, prohibition of bookmaking and penalty attached.

Obstructing railroads and electric wires.—An act to incorporate the Mobile Light and Railroad Company. (No. 221, p. 586, approved February 6, 1897.)

SEC. 10. Prohibits obstruction of tracks and injury to any of the railways, electric or other lines of property of the said company.

Violation, a misdemeanor: Penalty, fine not exceeding \$500; also imprisonment in county jail, or sentence to hard labor for the county for twelve months.

Subsequent sections provide for right of way, police management, placing of poles, etc.; also give powers of police to motormen and other employees to arrest for all offenses committed on cars or in connection with the operation of said company's road or at its places of amusement or entertainment.

NOTE.—Enlargement and amendment of act of February 13, 1893.

Section 10 formerly included liability to double the amount of damage in fixing penalty.

Section 14, new features; motormen and other employees made conservators of the peace; also "or at its places of amusement or entertainment."

In criminal code, section 5363, penalty for obstructing railroad maliciously, etc., death, or imprisonment not less than ten years.

Obstructing navigation.—An act to prevent putting logs, brush, and sawdust in rivers, creeks, branches, lakes, ponds, and in lagoons in this State, and for the punishment thereof. (No. 230, p. 613, approved February 8, 1897.)

SEC. 1. Prohibits obstruction of streams with timber in counties of Coosa, Jackson, Marshall, Madison, and Dale.

Violation, a misdemeanor: Penalty, fine \$10 to \$100.

NOTE.—Operates as amendment to 5401, Criminal Code, which makes penalty for obstructing streams not less than \$25 nor more than \$250.

Bond-insurance companies.—An act to authorize corporations having the power under their charter to become securities on the official bonds of State, county, and municipal officers, and receivers, guardians, administrators, trustees, assignees, and executors, and on all bonds or undertakings required in any judicial proceeding and on all bonds or undertakings required or permitted by the laws of this State, to be executed with sureties; to regulate the giving of such bonds and prescribe the qualifications of such corporations; and to provide for the relief of such corporations from further liability thereon. (No. 333, p. 830, approved February 12, 1897.)

Sections of this act regulate manner and method of business of corporations as named, and provide penalty for doing business without complying with provisions.

SEC. 13. Reads as follows: "Any corporation, or officer or agent of such corporation, who shall transact the business wherein authorized without first obtaining the certificate from the auditor herein provided for, authorizing such corporation to transact such business, or who shall transact such business after the authority to do so has been revoked by the auditor as herein provided, shall be guilty of a misdemeanor, and upon conviction must be fined not exceeding one thousand dollars."

Railways and court-house towns.—An act to require passenger trains on railways in this State to stop at the station nearest the court-house town of every county in this State, and to prescribe who shall establish such station and to fix penalties for the violation of such requirement. (No. 336, p. 844, approved February 12, 1897.)

In accordance with the requirements of this act, section 2 prescribes penalty for disregard of law by railway agent, subjecting him to fine of \$25 to \$500.

Failure of conductor to stop passenger trains at station named makes him liable to same fine.

Building and loan associations.—An act to further regulate the business and taxation of building and loan associations. (No. 337, p. 845, approved February 12, 1897.)

Sections of this act define duties of building and loan associations and prohibit selling of stock by said associations until provisions have been complied with.

Violation, a misdemeanor: Penalty, fine not less than \$10 nor more than \$50.

Gambling.—An act to prevent use of wheels of fortune, chance games, and rafflings, or devices of like kind. (No. 370, p. 901, approved February 13, 1897.)

SEC. 1. Prohibits setting up, carrying on, or operating any wheel of fortune, slot machine, or any device of chance or scheme of raffling.

Violation, a misdemeanor: Penalty, \$10 to \$50.

Passage of vehicles.—An act to regulate the passage of vehicles on the public roads of Montgomery County. (No. 401, p. 941, approved February 15, 1897.)

SEC. 1. Defines duties of drivers of vehicles passing to the right.

SEC. 2. The directions to be taken when passing a vehicle going in the same direction. The passing vehicle shall drive to the left.

Violation of provisions, a misdemeanor: Penalty, not less than \$10 nor more than \$100.

Protection of girls.—An act for the better protection of girls. (No. 404, p. 944, approved February 15, 1897.)

SEC. 1. Fixes the age of consent for girls and provides penalty for disregard: Fine, \$50 to \$500, and may be imprisoned in the county jail for six months.

SEC. 2. Prohibits prostitution of girls over ten and under eighteen years of age. Penalty, fine \$50 to \$500 and imprisonment in county jail not less than six months.

Railroad depots.—An act to require railroad companies to establish depots in towns of more than 1,000 inhabitants. (No. 417, p. 956, approved February 15, 1897.)

SEC. 2. Declares that any person, company, or corporation who shall fail or refuse to comply with this act within three months after the approval thereof must, on conviction, be fined not less than \$1 nor more than \$50.

NOTE.—Modifies act of February 28, 1887, on depot conveniences. Former penalty not less than \$25 nor more than \$200; for persistent failure to build after notice, penalty was not less than \$250 nor more than \$500, with proviso.

Camp grounds.—An act to preserve order at the Pensacola District Camp Ground, in Escambia County, Ala. (No. 465, p. 1056, approved February 16, 1897.)

Sections of this act regulate control of Pensacola District Camp Ground, in Escambia County, Ala., by board of trustees of Methodist Episcopal Church South.

Violation of ordinances and by-laws passed by said board of trustees a misdemeanor: Penalty, fine \$1 to \$50, or imprisonment at the discretion of the intendant at camp ground not exceeding five days.

Coal mining.—An act to regulate the mining of coal in Alabama. (No. 486, p. 1099, approved February 16, 1897.)

SECS. 1 and 14. Provide for mining inspectors and mine bosses; for weighing of coal; for mine ventilation; for keeping stretchers and blankets at mouth of mine in case of injury; for break-throughs; for timber props and safety lamps; for available openings to mines.

SECS. 15 to 19. Limit number of miners; define certificate of qualifications for miners; provide for report to inspectors, and furnishing of maps.

Subsequent sections define duties of inspector and mine operators, and provide against dangers.

SEC. 39. Declares that any person who is charged with any duty under this act and fails or refuses to discharge said duty shall be guilty of a misdemeanor: Penalty, fine not more than \$300, and in case of a natural person may be punished by hard labor for the county in addition to fine.

Illuminating oils.—An act to provide for the inspection and sale of illuminating oils in the State of Alabama. (No. 501, p. 1133, approved February 16, 1897.)

SECS. 1 and 2. Provide for inspection of illuminating oils. Persons selling rejected oils, guilty of misdemeanor: Penalty, fine \$100 to \$500, or imprisonment in county jail not exceeding thirty days, or both.

Penalty for selling oil that has not been inspected: Fine, \$50 to \$300, or imprisonment in the county jail not exceeding six months, or both.

Consumer who knowingly uses oil that has not been inspected, guilty of misdemeanor: Penalty, fine \$10 to \$200.

Persons selling empty barrels or partly empty barrels, from which inspector's mark has not been erased, declared guilty of misdemeanor: Penalty, fine of \$50, and imprisonment in the county jail for any period not more than sixty days.

District inspector neglecting to enter complaint against persons violating provisions of this act, guilty of misdemeanor: Penalty, fine not exceeding \$500, and removal from his position as inspector.

Sec. 8. Prohibits adulteration of any kind of oil. Violation, a misdemeanor: Penalty, fine \$100 to \$1,000.

Failure of inspector to inspect oil within five days after demand, a misdemeanor: Penalty, fine not more than \$200.

Counterfeiting inspector's brands and marks, a misdemeanor: Penalty, fine not less than \$100 nor more than \$300.

Trading in oils by inspectors and assistants prohibited. Violation, a misdemeanor: Penalty, fine not exceeding \$500 and removal from office.

Use of illuminating oil upon passenger railroad cars or steamboats having a fire test less than 300° F. prohibited: Penalty for violation, fine \$50 to \$500.

Infected fruit trees.—An act to encourage and protect the raising and growing of fruit in the State of Alabama. (No. 502, p. 1141, approved February 16, 1897.)

Secs. 1 and 2. Define duty of Commissioner of Agriculture when informed of disease among trees and provide for destruction of diseased trees.

Persons refusing to comply with requirements of act declared guilty of misdemeanor: Penalty, fine \$100 to \$500.

Adulteration of candies.—An act to prohibit the adulteration of candies and confectioneries, and the sale or other disposition thereof, and the keeping of adulterated candies and confectioneries for sale or other disposition. (No. 525, p. 1179, approved February 16, 1897.)

Persons violating provisions of this act guilty of misdemeanor: Penalty, fine \$50 to \$500, and may be imprisoned in the county jail or sentenced to hard labor for the county for a period not exceeding six months.

Roads and bridges.—An act for the improvement of roads and bridges in Marshall County, Ala. (No. 555, p. 1228, approved February 18, 1897.)

Sec. 1. Provides for levying of special road tax.

Sec. 2. Provides for road fund.

Sec. 3. Provides for levy of special tax for the benefit of the public roads.

Sec. 4. Provides for work upon the public roads of Marshall County.

Secs. 5, 6, 7, 8, and 9. Provide for road supervisor and overseers, defining their duties and powers.

Sec. 10. Provides for letting out of road contract.

Sec. 15. Declares that county convicts may be worked upon the roads of Marshall County, subject to the general convict laws of the State.

Sec. 17. Prohibits obstruction of roads. Violation, a misdemeanor: Penalty, fine \$20 to \$100.

Any officer or person failing to discharge his duty shall, on conviction, be fined not less than \$200.

Sec. 20. Prohibits the deposition of rocks or boulders on or near the surface of the roads. Violation, a misdemeanor: Penalty, fine not less than \$100 nor more than \$200.

Railroad trains—Jumping off or on.—An act to prevent the jumping on or off trains while in motion and to provide for the punishment thereof. (No. 564, p. 1256, approved February 18, 1897.)

Sec. 1. Prohibits jumping on or off any train while in motion. Violation, a misdemeanor: Penalty, fine not to exceed \$25 or imprisonment thirty days in county jail, or both such fine and imprisonment.

Protection of wood and timber.—An act for the better protection of wood and timber. (No. 565, p. 1256, approved February 18, 1897.)

Entering upon the land of another and cutting down any wood or timber growing thereon with intent to remove and appropriate the same for his own use is hereby prohibited.

Penalty for such trespass, fine not more than \$200, and may be imprisoned in the county jail or sentenced to hard labor for the county not more than six months.

Public roads.—An act to compel the repairing of public roads in Geneva, Covington, and Conecuh counties by persons and corporations injuring the same, and to establish a penalty for their failure to do so. (No. 569, p. 1260, approved February 18, 1897.)

Sec. 1. Declares that any person or corporation rendering any road unfit for public use shall repair the same within ten days thereafter.

Failure to comply with the provisions of this act a misdemeanor: Penalty, fine not less than double the reasonable cost of repairing said road.

Water supply.—An act to punish any person who pollutes or contaminates water supplied to cities and towns of the State. (No. 583, p. 1281, approved February 17, 1897.)

Pollution of water by deposit of any dead animal or nauseous substance in any city or town of the State of Alabama is prohibited.

Violation, a misdemeanor: Penalty, fine not exceeding \$500 and may be sentenced to hard labor for the county not exceeding one year.

NOTE.—Virtually supersedes act of December 12, 1892, which amends 1464, Code 1886, as it affects dead animal: Penalty, fine of \$10.

Interfering with railroad trains.—An act to prevent persons not employees or connected with any railroad from detaching or uncoupling any trains, or putting on brakes, or otherwise interfering with same while standing in any depot, crossing, or stop, and to provide for the punishment thereof. (No. 612, p. 1375, approved February 18, 1897.)

SEC. 1. Prohibits the uncoupling of trains at depot. Violation, a misdemeanor: Penalty, fine not to exceed \$25 or imprisonment for thirty days in county jail, or both.

Insurance.—An act to regulate the business of insurance in the State of Alabama. (No. 614, p. 1377, approved February 18, 1897.)

Sections of this act define the term "company," or "insurance company," also contract of insurance. Duties and powers of insurance commissioner defined.

SECS. 9-17. Deal with the business of foreign insurance companies.

SEC. 27. Prohibits obscure and deceptive wording of contracts and plausible fraudulent designs by any life or other insurance company.

Violation a misdemeanor: Penalty, fine \$100 to \$500 for first offense; for each subsequent offense, fine not less than \$250.

SEC. 28. Prohibits soliciting of insurance by any company that has not qualified under this act.

Violation a misdemeanor; Penalty, fine \$100 to \$500, or may be imprisoned in the county jail not more than thirty days.

SECS. 33, 34, and 35. Provide for investigation of causes of fire where property has been insured, and defines duty of sheriff making arrest for arson; also provide for assistance to sheriff by fire department, compelling removal of combustible materials from any building or upon any premises.

Owner of building or premises failing to comply with orders for removal of such material within one week after notice guilty of a misdemeanor: Penalty, fine not less than \$10 nor more than \$50 for each day's neglect.

Any officer referred to in section 35 neglecting or refusing to comply with any of the requirements of this act shall be guilty of a misdemeanor: Penalty, fine not less than \$25 nor more than \$500.

Violation of any provision of this act, the penalty whereof is not specifically provided herein, subjects to fine of not more than \$500. In case of nonpayment of such penalty, party, if not a corporation, so offending shall, on conviction, be imprisoned in the county jail or sentenced to hard labor for the county for a period not to exceed six months.

NOTE.—New feature: First, larger power granted the insurance commissioner; second, close inspection of foreign companies; third, greater security of contracts of insurance; fourth, power to grand jury to inquire into violations of the act.

Taxes, Covington County (chap. No. 12, p. 11, approved November 27, 1896).—Provides for a finance committee for Covington County, Ala., and prescribes the powers and duties thereof. Said committee has power and authority to send for and examine persons, records, books, and papers, and any person willfully failing to obey their summons or to produce books or records relating to their duties guilty of a misdemeanor: Penalty, not less than \$50 nor more than \$500; may also be imprisoned in county jail or sentenced to hard labor for the county not more than one year.

Fines for misdemeanors, Morgan County. (No. 30, p. 27, approved November 30, 1896).—Enacts that all fines assessed upon misdemeanors in Morgan County where the defendant is not sentenced to hard labor shall be payable in lawful money only.

Ferries in Jackson County. (No. 56, p. 57, approved December 5, 1896).—Establishes ferries in Jackson County across the Tennessee River. It is made the duty of the ferrymen to keep an itemized statement of each day's receipts and report the same under oath to each term of the court of county commissioners of Jackson County.

Failure to so report works a forfeiture of his contract, and any willful misappropriation of funds renders him guilty of embezzlement.

Public schoolbooks, Winston County (No. 123, p. 203, approved December 9, 1896).—The probate judge, county superintendent of education, and three competent and efficient teachers to be selected by the county superintendent of education in the county of Winston shall constitute "County schoolbook board." It is made the duty of such board to select a complete series of text-books for the public schools of the county.

SEC. 3. Forbids any member of the county school book board from acting as an agent of any publisher or dealer in schoolbooks or receiving any pecuniary benefits therefrom: Penalty, fine not less than \$10 and dismissal from board.

(Act No. 248, p. 656, approved February 9, 1896.)

A reenactment of the law above passed two months previously. The act is essentially the same, with a few verbal changes, as the previous law. But section 3 fixes a limit to the fine, namely, not less than \$10 nor more than \$500.

NOTE.—The law providing that books be selected from a list of schoolbook publishers as first passed reads "from the list of the schoolbook publishers offering the lowest and most satisfactory terms for introduction and exchange." The law as reenacted February 9 reads, "offering the honest and most satisfactory terms for introduction and exchange." Probably the word "honest" is a printer's error for "lowest," as in the previous act.

Jurors in Marengo County (No. 152, p. 312, approved December 9).—Constitutes probate judge and county commissioners a board of jury commissioners. Provides for the choice and summoning of jurors.

SEC. 6. Provides that if any sheriff shall negligently fail to summon whom he is commanded to summon shall be guilty of contempt of court: Penalty, fine not more than \$100; may also be imprisoned in county jail not exceeding ten days.

SEC. 8. Enacts that persons summoned as grand or petit jurors failing to obey such summons shall be deemed guilty of contempt of court. And if he fails to render excuse at the next term shall be fined not more than \$100, and may be imprisoned in the county jail not more than ten days.

SEC. 14. Members of the jury board who willfully or negligently fail to discharge duties, guilty of a misdemeanor: Penalty, fine \$50 to \$1,000.

SEC. 15. Any person attempting to corruptly influence any member of said board or any other officer charged with the execution of the duty under this act, shall be fined not less than \$1,000, and shall also be imprisoned in the State penitentiary for not less than two nor more than ten years, and forever disqualified from holding office.

Jurors in Franklin County (No. 529, p. 1129, approved February 18, 1899).—Provides that jurors should be drawn by a mixed political commission of three, together with the probate judge of the county. Provides for the preparation of a list of eligible jurors and as to how they shall be drawn.

SEC. 10. Punishes neglect of duty by commissioners by a fine of not less than \$50.

SEC. 11. Any person who shall attempt to corruptly influence any of said commissioners, or other officers charged with the selection or summoning grand and petit jurors, or who shall corruptly attempt to influence any officer in the performance of any of the duties mentioned in this act, shall be fined not exceeding \$1,000, and shall be imprisoned in the penitentiary not less than two nor more than twenty years and forever disqualified from holding office.

Fraudulent voting (No. 157, p. 337, approved December 9, 1896).—Amends the charter of the town of Eutaw, in Greene County. The act covers some thirty pages in the laws. Power is conferred on the mayor and aldermen, as in similar charters of towns, to make laws and ordinances and affix penalties for violations of the same by a fine not exceeding \$100, and by imprisonment or hard labor for the town not exceeding sixty days.

The act prescribes, however, a special penalty for fraudulent voting, making it a misdemeanor, with fine not exceeding \$500, or sentence to hard labor for Greene County not less than six months, nor more than one year, or both.

Collection of taxes (No. 204, p. 521, approved February 3, 1896).—Provides for State tax commissioner appointed by the governor, and said State commissioner shall appoint one county tax commissioner for each of the counties of the State, subject to approval of the governor.

Section 8 makes it the duty of certain officers to assist commissioners. Officers failing to perform the duty shall be reported by said commissioner to any supreme court, circuit or city court, judge, or chancellor, who shall issue a rule to said officer to show cause why he should not be committed to jail for contempt. Unless some

lawful reason is shown for such default or refusal the judge must commit such person to jail until he renders the assistance, gives the information, or testifies as required by law.

Section 17 declares it a misdemeanor for any revenue official of the State to refuse to allow to said commissioner, or his deputies, full and free access to all books and records belonging to his office; and any official so refusing shall be proceeded against as provided in section 8 above.

Charter for city of Mobile. (No. 214, p. 542, approved February 6, 1896).—An elaborate law providing for charter of the city of Mobile and giving authority to the mayor and general council and providing for local ordinances and penalties within certain limits to be enacted by the local council.

SEC. 44. Makes it a misdemeanor for any person to issue a warrant for the payment of money in the name of the general council without complying with the provisions of this act.

SEC. 47. Forbids the mayor or any member of the general council from dealing in city claims or being awarded city contracts.

Violation, misdemeanor: Penalty, fine \$50 to \$1,000; and if mayor or member of the general council he shall forfeit and vacate his office.

Roads in Morgan County (No. 281, p. 704, approved February 12, 1897).—Provides for the more efficient working, repair, and improvement of the public roads of Morgan County. An elaborate law.

SEC. 22. Provides that willfully and corruptly making an oath that the person warned to work was unable to attend, or sick, or under or over age shall be perjury, punishable as provided by section 3907 of the code of Alabama.

SEC. 27. Provides the penalty of \$50 for any overseer or supervisor failing to perform any duties under this act.

Roads and bridges in Tuscaloosa County (chap. No. 664, p. 1522, approved February 18, 1897).—Provides for the improvement of roads and bridges in Tuscaloosa County. Prescribes the duties of officers.

SEC. 18. Any officer failing to discharge the duties imposed by this act shall on conviction be fined not more than \$200.

SEC. 20. Unlawful to deposit rocks or boulders on the surface of a roadbed without breaking them into fragments not larger than 3 inches by the longest diameter. Violation, misdemeanor: Penalty, fine \$100.

County site, Russell County (No. 306, p. 743, approved February 11, 1897).—Provides for the permanent location of the county site of Russell County by vote of the qualified electors and to provide for the disposition of the court-house and jail now located at Seale in the event the county site is permanently located at Gerard.

SEC. 10. Enacts that any officer having any duty to perform under this act and failing to perform the same shall be guilty of a misdemeanor: Penalty fine, \$500 to \$1,000, and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months.

Contested elections (No. 310, p. 753, approved February 12, 1897).—A detailed law for the government of the town of Clanton, embodying the usual provisions.

SEC. 7. Declares that in case a contested election is annulled the mayor, or in his absence the councilmen, shall order another election. Failure to do so, misdemeanor: Fine, not exceeding \$500 each.

Misdemeanors—Second conviction for same offense (No. 407, p. 948, approved February 15, 1897).—Consists of the following section:

SEC. 1. *Be it enacted by the general assembly of Alabama*, That when a person is convicted or acquitted before the mayor or acting mayor of Selma for an offense which is a misdemeanor under the laws of the State, such conviction or acquittal of such person for such offense before the mayor or acting mayor of Selma shall be a bar to the prosecution of such person for such offense before any State court. And the provisions of this bill shall apply to Demopolis, in Marengo County.

Weight of wagons, Madison County (No. 455, p. 1038, approved February 15, 1897).—The court of county commissioners in Madison County are empowered to regulate and fix the maximum weight and tonnage of all vehicles loaded or empty passing over or along public roads of said county. Said schedule of weight is to become operative after being posted at the court-house door and four other public places in said county.

SEC. 2. From and after the expiration of said thirty days' public notice, any person violating the regulations thereof by hauling on any public road a wagon or other vehicle heavier than the maximum weight fixed by the schedule shall be guilty of a misdemeanor: Fine, not less than \$100 for each violation.

Fraudulent disposition of property (No. 481, p. 1089, approved February 16, 1897).—An act to further define general assignments and to prevent the fraudulent disposition of property.

SEC. 3. Enacts that every person who sells, removes, or otherwise disposes of property subject to execution with the intent to hinder, delay, or defraud his creditors, or who fraudulently secretes or withholds any such property from his assignee in any general assignment, must, on conviction, be punished by a fine of not more than \$500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

National Guard (No. 599, p. 1309, approved February 18, 1897).—Section 15 provides that any person who sells, purchases, retains, or has in his possession or custody without right military property belonging to the State, and refuses to deliver the same to any officer entitled to take possession thereof, guilty of a misdemeanor. And any person belonging to the Alabama National Guard who, contrary to the lawful order of the proper officer, retains in his possession or control any military property of the State is guilty of a misdemeanor.

Elections, town of Horse Creek, Walker County (No. 603, p. 1331, approved February 18, 1897).—Section 4 provides that if the mayor and aldermen shall fail to provide for an election as herein prescribed they shall be guilty of a misdemeanor.

SEC. 13. Makes fraudulent voting a felony: Penalty, imprisonment in the penitentiary or hard labor for the county not less than six months nor more than one year.

Elections, city of Calera (No. 624, p. 1411, approved February 18, 1897).—Amends an act establishing a new charter for the city of Calera, approved February 21, 1893.

SEC. 2. It is made the duty of the judge of probate to appoint inspectors of election, one for each political party, as may be suggested by the candidates or chairmen of the committees of said opposing political parties.

SEC. 3. It is likewise the duty of election inspectors to appoint clerks, markers, or assistants, as may be suggested by the candidates or chairmen of the committees of opposing political parties.

SEC. 5. Judges of probate, election inspectors who shall fail or refuse to appoint said inspectors, clerks, markers, and assistants as may be suggested by the chairmen or candidates of opposing political parties shall be guilty of a felony.

Penalty, penitentiary for not less than one nor more than five years for each offense.

Regulation of pharmacy. (chap. 369, p. 1450, approved February 18, 1897).—Amends acts of February 25, 1889, and February 28, 1887.

SEC. 2. Makes it unlawful for any proprietor to employ unregistered pharmacists. Violation, misdemeanor. Penalty, fine \$25 to \$100 for each offense.

SEC. 5. Makes it unlawful to sell certain poisons enumerated in the section without labeling the box with the name of the article, the word "poison," and the name and place of business of the seller. Penalty, \$10 to \$25.

SEC. 9. Any itinerant vendor of any drug, poison, or ointment intended for treatment of any disease or injury who shall publicly profess to cure or treat disease shall pay a license of \$100 per annum to the State. Violation, misdemeanor: Penalty, fine \$100.

Roads, Greene, Lowndes, and Perry counties.—An act to provide for the more efficient working of the public roads in Greene, Lowndes, and Perry counties, and for the appointment of district road inspectors for Greene, Lowndes, and Perry counties. (No. 308, p. 749, approved February 12, 1897.)

Sections of this act provide for road inspector, define his power and duties, and fix compensation.

Duties of overseers also regulated. Failure of overseer to comply with directions of road inspector declared a misdemeanor: Penalty, fine not exceeding \$25, with removal from office.

Any overseer or inspector willfully failing or refusing to perform duties as required by this act shall forfeit and pay a sum not exceeding \$25.

For neglect in keeping highway in good repair any overseer or inspector may be indicted: Penalty, upon conviction, fine not more than \$50.

NOTE.—This act supersedes that of February 10, 1893, which was restricted to Greene County, and included no penalty for inspectors. Failure of duty by overseers appointed by inspector carried penalty not exceeding \$500.

Roads, Coosa County.—An act to require the commissioners' court of roads and revenue for the county of Coosa to cause road overseers in said county to have loose

stones removed from the roads of said county, so far as the same may be practicable. (No. 210, p. 539, approved February 4, 1897.)

Any overseer in said county refusing to comply with this act is hereby declared a road defaulter and shall be subject to the laws now in force against defaulting road overseers.

Roads and bridges—Jackson County.—An act for the improvement of roads and bridges in Jackson County. (No. 92, p. 129, approved December 9, 1896.)

The sections of this act define bridge tax, fix rate of tax, provide for levying of privilege tax, work on roads, appointment of road supervisor, define duties and powers of road supervisor, provide for building and laying out of roads in Jackson County, for work of convicts on roads.

Obstructing or changing public roads in Jackson County without consent of road supervisor, declared a misdemeanor: Penalty, fine \$20 to \$200. Road officers failing to discharge duties subject to fine of \$200. Duty and power of officers defined.

SEC. 20. Prohibits deposition of unbroken rocks or boulders on surface of roadbeds. Violation, a misdemeanor: Penalty, fine of not more than \$100.

NOTE.—This act revives legislation of February 17, 1885; repealed February 19, 1889, but with such changes and enlarged application as to be essentially new.

Admissions to the bar (No. 656, p. 1482, approved February 18, 1897).—Prescribes the duties and qualifications of attorneys and counselors at law and regulates their admission to practice. Provides for examination of applicants unless they have a diploma granted by the University of Alabama conferring the degree of bachelor of laws.

SEC. 8. Every attorney and counselor at law before he shall be permitted to practice shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will demean myself as an attorney and counselor of this court according to the best of my learning and ability and with all good fidelity, as well to the court as to the client; that I will use no falsehood or delay any person's cause for lucre or malice, and that I will support the constitution of the State of Alabama so long as I continue a citizen thereof. So help me God."

SEC. 9. The court of chancery may license minors in the same manner as adults, if possessing the maturity, character, and attainments requisite, but the minors so licensed shall be precluded from pleading infancy in any civil proceedings against them.

SEC. 10. If any attorney commences practicing before taking the oath as prescribed by the preceding section 8 he forfeits the sum of \$200; one-half to the use of the person suing for the same and one-half to the State.

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Misdemeanor defined.—Where the performance of any act is prohibited or the performance of any act is required by any statute, and no penalty for the violation of such statute is imposed, either in the same section containing such prohibition or requiring such act or duty or in any other section or statute, the doing of such prohibited act, or the neglect of such required act by duty, shall be deemed a misdemeanor.

Every person who shall be convicted of any misdemeanor, the punishment of which is not defined in this or some other statute, shall be punished by imprisonment not exceeding one year, or by fine not exceeding \$250, or by both fine and imprisonment. (Sec. 2293 and 2294, Digest Sandel & Hill.)

NOTE.—Section 601 declares that crimes and misdemeanors, where punishment has not been provided by statute, shall be punished under the common or statute law of England; the punishment shall be fine and imprisonment, the fine not over \$100 and the imprisonment not exceeding three months.

Diseased animals.—An act to protect the horse, the mule, jack, and jennet of the State from contagious diseases. (Act VII, p. 6, approved February 5, 1897.)

SEC. 1. Prohibits bringing into the State diseased stock or the sale of such animals. Violation a misdemeanor.

SEC. 2. Defines prohibited territory. A misdemeanor to bring into the State any Missouri or Western horses, mules, jacks, and jennets which have not been kept at least twelve months north of the northern boundary line of the State of Missouri and twelve months east of the west boundary line of the State of Iowa. But such

animals may be transported or driven through the State between the 1st day of April and the 10th day of July following.

The act does not apply to actual bona fide persons moving into this State and bringing their horses, mules, jacks, and jennets with them.

SEC. 3. Punishment, a fine \$100 to \$300.

SEC. 4. The commission of mines, manufactures, and agriculture may extend or limit the operation of the act.

Seines.—An act to amend sections 3421, 7356, and 7358 of Sandels & Hill's Digest. (Act XLVI, p. 112, approved June 26, 1897.)

The act amends sections in relation to the use of seines to catch fish. The use of improper seines a misdemeanor: Penalty, fine \$25 to \$50. It is made the duty of sheriffs, constables, and other peace officers to destroy all such nets unlawfully used: Penalty for failure to do so, fine of \$25 to \$50.

A tax of \$25 is levied on all nonresident trappers, hunters, or seiners or netters of fish. Failure to comply a misdemeanor: Fine, \$25.

NOTE.—Former penalty for improper seining, \$5 to \$200.

New feature: Duty of sheriffs, etc., to destroy nets, with penalty.

Deer and aquatic fowl.—An act to prohibit chasing of deer with dogs and discharging of firearms on lakes and streams after sundown in the counties of Mississippi, Crittenden, Cross, Poinsett, and St. Francis. (Act LIV, p. 74, approved March 16, 1897.)

Prohibits chasing deer in these counties, the discharge of firearms after night with intent to kill or frighten aquatic fowls. Violation a misdemeanor: Penalty, fine \$25 to \$50.

NOTE.—New feature: Extension of law to aquatic fowl. Original penalty \$3 to \$10 for each bird; \$10 to \$20 for each deer.

Lafayette, Miller, and Desha counties.—An act to prevent the destruction of game and fish in Lafayette, Miller, and Desha counties. (Act XVIII, p. 26, approved March 16, 1897.)

It prohibits camp and fire hunting in the counties named. It is made unlawful to catch fish except with hook and line. A small seine is allowed for the purpose of catching bait.

SEC. 3. "Camp hunting and fire hunting under the provisions of this act shall be construed to mean persons camping in the woods, or at or near any house, with guns and dogs for the purpose of hunting game; and the act of camping, as in this section described, shall be sufficient to convict any person charged with a violation hereof, without further proof, unless his acts are fully explained to the satisfaction of the jury trying same."

It is made the duty of constables or sheriffs to investigate violations of the act and file information against every offender. Persons convicted shall be fined \$50 to \$200. (Approved February 11, 1897.)

Conway, Perry, and Pope counties.—An act for the protection of fish in the waters of Conway, Perry, and Pope counties. (Act L, p. 69.)

Forbids the taking of fish except by means of hook and line, including what is known as the "trot" line. The act does not apply to the Arkansas River, nor preclude the use of a very small seine for catching minnows to be used as bait.

Violation, a misdemeanor: Penalty, fine not less than \$10 nor more than \$50.

Bridges.—An act locating and establishing a station and requiring the building of a depot at the junction of the railroad bridge of the Kansas City and Memphis Railroad and Bridge Company across the Mississippi River, etc. (Act 55, p. 74, approved March 27, 1897.)

SEC. 2. Failure to comply with the provisions of the act three months after the passage of the same a misdemeanor, and every railroad company so failing or refusing to obey the provisions of the act shall be for every violation of any single provision and for each day such violation may continue be liable to indictment, and shall be fined not less than \$50 nor more than \$500, to be assessed by the jury trying the case.

Roads and highways.—Act 6, page 7, approved May 25, 1897, extra session, provides for working roads and highways, preparing and building bridges, and for other purposes.

SEC. 23. Persons failing to work when warned shall pay to the overseer \$1 each day, or pro rata for each part of the day, which he fails to work. If the same is not paid at once to the overseer, a misdemeanor.

Fine, \$5 to \$10, with costs, for each day he failed to work.

SEC. 36. Provides that county prisoners may be ordered by the county court to be worked upon the roads and bridges.

"Each person convicted and fined shall work in such district under the overseer one day for each 75 cents of the fine and costs, where the overseer feeds the prisoner, but where the prisoner pays for his own board he shall be allowed \$1 for each day he works until he has worked out the fine and costs. While the prisoner is at work under the overseer he shall be controlled and directed by the overseer, and the overseer shall be paid by the county not to exceed 50 cents for each day for each prisoner he feeds while under his control."

SEC. 37. Where the prisoner is convicted and ordered to work out the fine and costs and fails to do so in good time and proper manner, he is to be held in custody until he pays or works out the fine and costs.

Railroad passengers.—An act to amend section 6206 of Sandel & Hill's Digest, providing for the protection of railroad passengers. (Act XXXIV, p. 44, approved March 3, 1897.)

As amended, the section reads:

SEC. 6206. All persons, agents, and corporations who own or operate any railroads in this State are authorized and empowered to do and perform all acts and things which may be necessary to protect passengers on their cars and at their stations from all acts of fraud, imposition, or annoyance which are attempted or perpetrated while said passengers are on said cars or in or upon the property of said railroads at their stations, and all persons found practicing such acts of fraud, imposition, or annoyance, or attempting to perpetrate the same, at the places aforesaid, shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding \$50 for each offense.

NOTE.—New feature: Statement of penalty.

Railroad conductors.—Act for the protection of railroad conductors and others. (Act XXI, p. 28, approved February 19, 1897.)

Every person who falsely and without probable cause reports railroad conductors, brakemen, engineers, firemen, station agents, or other employees of railroads, for receiving money for the transportation of persons or property, or for failing to collect fares, shall, on conviction, be judged guilty of misdemeanor.

Punishment: Fine \$100 to \$500.

Elections.—An act to prevent disorderly conduct during primary elections and conventions. (Act 35, p. 44, approved March 3, 1897.)

The act makes it "unlawful for any person to sell or give away, or to caused to be sold or given away, or used or furnished in any manner or form, any intoxicating liquors during the day of, or succeeding night of, any legalized primary election, held by any political party in any county, city, township, or ward."

Penalty: Misdemeanor. Fine not less than \$100 for each offense or imprisonment not less than six months, or both.

Former penalty: Fine of \$200 or imprisonment six months, or both.

Stock at large.—An act to provide a special stock law and regulate the operations of the same. (Act XLIX, p. 66, approved March 16, 1897.)

Prohibits the owners or managers of stock from permitting them to run at large in certain territories in Chicot County. Owners of stock liable for damages. Owners of land may seize and hold animals when name of owner of stock is unknown; the stock must be advertised.

Penalty: For tearing down fence or leaving gate open a misdemeanor punishable by a fine of not less than \$25 nor more than \$50, or imprisonment in a county jail not less than ten nor more than thirty days. It is a misdemeanor punishable in the same way to rescue stock when impounded, or for any person to ride or drive outside of the road on the cultivated lands of any other.

Wine.—An act to regulate the sale of wine. (Act XLII, p. 107, approved June 26, 1897.)

The act provides that at the general election a separate vote may be taken against or for the sale of wine; that a petition against the sale of liquors may prohibit or except the sale of wine; the sale of wine without license is permitted in certain cases. All wine sold must be correctly labeled.

It is made unlawful to sell wine containing poisonous or injurious drugs or to sell any wine which contain more than 17 per cent of alcohol.

Violation, a misdemeanor. Penalty, \$100 to \$500; and the prosecuting attorney shall receive the same fees for convictions as is now allowed for convictions for selling liquor without license.

Steward of insane asylum.—An act to provide for the support and maintenance of the Arkansas State Lunatic Asylum. (Act XIV, p. 39, approved June 1, 1897.)

The act appropriates money for various salaries and expenses. The only misdemeanor indicated relates to the steward and storekeeper.

SEC. 3. The steward and storekeeper shall be a man of experience in the duties of his position, and it shall be his duty to inspect and critically examine all meats in particular, as well as all other groceries and supplies that are intended for consumption in said institution, and ascertain whether they are wholesome, and reject all not so found; and if said steward and storekeeper shall fail to perform the duties as prescribed, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$50 nor more than \$1,000, and it is made the duty of the trustees to hear all complaints against said steward, and if found true the steward and storekeeper shall, in addition to the above penalty, be immediately removed from office by the board of trustees.

Defrauding creditors.—(An insolvent act, Act XLVIII, p. 115, approved June 26, 1897.) Provides that insolvent debtor may petition chancery court for receiver; all property must be turned over to receiver. The act contains 10 sections. Section 9 reads:

"Any person who shall withhold from the surrender of his creditors of his assets any property, money, or thing of value, to exceed the amount of ten dollars, with intent to cheat, defraud, or hinder his creditors in the collection of a debt, shall be deemed guilty of felony and punished by imprisonment not less than six months nor more than two years.

Extortion.—An act to prohibit extortion by the agents of railroad, express, and telegraph companies, and for other purposes. (Act LIII, p. 72, approved March 16, 1897.)

Agents of railroads and express companies are prohibited from charging more than regular rates. Also telegraph agents and operators. All companies must keep schedules of rates posted.

Violation, a misdemeanor. Punishable by fine not less than \$100 nor more than \$500. Railroad or telegraph agents refusing to show schedule rates guilty of misdemeanor. Punishable with same fine.

Trusts and corporations.—An act to prevent combinations of trusts and corporations in the State of Arkansas. (Act. XLVI, p. 60, approved March 16, 1897.)

SEC. 1. Provides that from and after the passage of this act all arrangements, contracts, agreements, trusts, or combinations between persons or corporations, made with a view to lessen or which tend to lessen full and free competition in the importation or the sale of articles imported into this State, or in the manufacture or sale of articles of domestic growth, or of domestic raw material, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed, or which tend to advance, reduce, or control the price or the cost to the producer or to the consumer of any such product or article, are hereby declared to be against public policy, unlawful, and void.

SEC. 2. Corporations violating the provisions of the act forfeit their charters, and foreign corporations violating the act are prohibited from doing business in the State.

Punishment: A violation of the act is declared a conspiracy against trade, and, on conviction, those engaging in such conspiracy are punished by any fine not less than \$500 nor more than \$2,000, and by imprisonment in the penitentiary not less than one nor more than ten years, or in the judgment of the court by either such fine or imprisonment.

SEC. 4. The provisions of the act shall not apply to agricultural products or live stock while in the possession of the producer or raiser.

SEC. 5. Persons damaged by trusts or combinations may sue those operating them for the full consideration or sum paid for any goods, the sale of which is controlled by such combination or trust.

SEC. 6. Circuit judges are to instruct juries as to the provisions of this act.

Convicts rebelling or escaping.—An act to amend section 1562 of Sandels and Hill's Digest of the Statutes of the State of Arkansas. (Act XLII, p. 54, approved March 15, 1897.)

The section is amended to read as follows: That if any convict sentenced to the penitentiary shall escape he shall, on conviction thereof, be punished by imprisonment in the penitentiary not less than thirty days nor more than five years.

If any convict shall openly rebel, with intent to kill the keeper or any other officer of the penitentiary, or with intent by open violence to escape therefrom, he shall, on conviction, be punished by confinement therein not less than five nor more than ten years; and if any two or more convicts shall conspire together, and shall not have carried their intention into execution, on conviction thereof they shall undergo a further imprisonment of not less than one nor more than five years, to commence

at the end of the terms of time for which said persons were under sentence of confinement.

NOTE.—The penalty for simple escape remains the same—not less than thirty days nor more than five years.

Former penalty for rebellion with intent to kill was "confinement during his natural life." For conspiracy, imprisonment not less than five nor more than ten years, to be added, as above, to the terms for which the conspiring convicts were under sentence for confinement.

Gaming in saloons.—An act to prohibit gaming and the keeping and use of musical instruments, or gambling tables or devices in saloons and dramshops within the State of Arkansas, and for other purposes. (Act XXXVIII, p. 48, approved March 6, 1897.)

SEC. 1. It shall be unlawful for any keeper of a saloon or dramshop or wholesale liquor dealer in the State of Arkansas to keep, exhibit, use, or suffer to be kept, exhibited, or used in his saloon, or place of business, or in any adjoining house, place, or building, subject to his direction or control, or in which he may have any interest, any musical instrument of any kind whatever, for the purpose of performing upon or having the same performed upon in such place or places.

Neither shall he, or they, permit any fencing, sparring, boxing, wrestling, or other exhibitions of contest of dexterity or strength in any such saloon, dramshop, or other place as aforesaid.

SEC. 2. It shall be unlawful for such person or persons to set up, keep, use, or permit to be kept or used in and about his dramshop, saloon, or premises by any other person to use or run in connection with such dramshop or saloon in any manner or form whatever any billiard table, pool table, or other table commonly used for gaming, bowling, tenpin alley, or any cards, dice, or other devices commonly used for gaming or playing any game of chance. And the keeper of such dramshop, saloon, or place shall not permit any person to keep or use in or about his place of business any such tables, cards, dice, musical instruments, etc., to be played upon either for amusement, gain, or for any other purpose.

Violation, a misdemeanor, punishable by a fine not less than \$25 nor more than \$100, and in addition thereto shall forfeit his license and shall not again be allowed to obtain license for a period of three years next thereafter.

NOTE.—New feature concerns musical instruments.

Former penalty: "Shall be fined not less than \$100, and may be imprisoned any length of time not less than thirty days nor more than one year."

Security in misdemeanors.—An act amending section 2321 of Sandel & Hill's Digest. (Act XXXVII, p. 47, approved March 3, 1897.)

It provides that: "Whenever any person shall be convicted of a misdemeanor by any court or justice of the peace, and shall give security for the fine and costs adjudged against him, the sheriff or other officer taking such security shall forthwith file with the clerk of the court or justice of the peace rendering the judgment the bond or note so taken, which bond or note, when so filed, shall have the force and effect of a judgment; and if the same be not satisfied at the maturity thereof the clerk of the court or justice of the peace, as the case may be, shall issue an execution against the defendant and the said securities, which execution so issued shall have the same force and effect as other executions in criminal cases: *Provided*, That if the clerk of the court or justice of the peace shall fail or refuse to issue execution as herein provided within sixty days after maturity of same, he shall be liable to indictment for a misdemeanor, and on conviction thereof shall be fined in any sum not less than the amount of such judgments."

NOTE.—New feature: The provision and penalty in final paragraph.

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Felony and misdemeanors defined.—A felony is a crime which is punishable with death or by imprisonment in the State prison. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the State prison is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the State prison.—*Deering, Codes and Statutes*, vol. 4, sec. 17.

Except in cases where a different punishment is prescribed by this code, every

offense declared to be a felony is punishable by imprisonment in the State prison not exceeding five years.—Section 18.

Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding \$500, or by both.—Section 19.

To prevent blindness in infants.—An act to regulate medical practice to prevent blindness in infants. (Chap. XIV, p. 12, approved February 17, 1897.)

SEC. 1. Should one or both eyes of an infant become reddened or inflamed at any time within two weeks after birth it shall be the duty of the midwife, nurse, or person having charge of said infant to report the condition of the eyes at once to some legally qualified practitioner of medicine of the city, town, or district in which the parents of the infant reside.

Penalty for noncompliance, a fine not to exceed \$100, or imprisonment not to exceed six months, or both.

Adulteration of honey.—An act to prohibit the adulteration of honey and to provide punishment therefor. (Chap. XV, p. 12, approved February 23, 1897.)

SEC. 1. Prohibits the manufacture or offer for sale of extracted honey, which is adulterated by the admixture therewith of either refined or commercial glucose, or any other substance or substances, article or articles which may in any manner affect the purity of the honey.

SEC. 2. Requires the furnishing of a sample of honey offered for sale upon demand of any person interested who shall desire to make analysis of such extracted honey.

SEC. 3. Defines extracted honey as the transformed nectar of flowers gathered by the bee from natural sources and extracted from the comb after it has been stored by the bee.

SEC. 4. A misdemeanor to sell or offer for sale any adulterated honey under the provisions of this act. Penalty: Fine of \$25 to \$400, or imprisonment in the county jail not less than twenty-five days nor more than six months, or both fine and imprisonment. In addition to penalties, the person found guilty may, in the discretion of the court, be adjudged to pay all necessary costs and expenses, not to exceed \$50, incurred in the analysis of such adulterated honey.

NOTE.—New feature: Change in penalty. Formerly, fine of \$100 or imprisonment for three months, or both such fine and imprisonment.

Unclaimed deposits.—An act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits. (Chap. 26, p. 27, approved February 25, 1897.)

SEC. 1 Requires a sworn statement of unclaimed deposits to be returned to the board of bank commissioners by the president, cashier, or secretary of every institution of every kind or character receiving money on deposit without interest, which shall show the amount standing to his credit, last-known place of residence or post-office address, and fact of death, if known, of every depositor of such institutions who shall not have deposited therein or withdrawn therefrom funds to his credit for a period of more than ten years next preceding. Also that this statement be published in one or more newspapers of the city or town where the institutions are situated at least once a week for four successive weeks, the cost to be taken out pro rata of said unclaimed deposits. This act shall not, however, apply to or affect deposits of persons known to the said presidents, cashiers, or secretaries to belong or any deposit which with the accumulations thereon, shall be less than \$50.

SEC. 3. Neglect or refusal by any president, cashier, or secretary of institutions named to make such sworn statement a misdemeanor.

Selling liquor to habitual drunkards.—An act to amend section 397 of the penal code relating to penalties for selling liquor to habitual or common drunkards or Indians. (Chap. XXXI, p. 29, approved February 25, 1897.)

As amended, prohibits the selling or furnishing of any intoxicating liquors to any habitual drunkards or Indians.

Violation, a misdemeanor, punishable by imprisonment in the State prison or in a county jail not exceeding two years, or by a fine not exceeding \$1,000, or both.

NOTE.—New feature: Provides penalty as stated above.

Political pledges.—An act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law. (Chap. LIX, p. 53, approved March 2, 1897.)

SECS. 1 and 2. Make it unlawful for candidates for legislator, supervisor, school director, or for any legislative body to be solicited for votes, or to sign or to give pledges that he will vote for or against any particular bill or specific measure; not

applying, however, to pledges exacted of candidate by his platform or convention nomination.

SEC. 3. Violation a misdemeanor disqualifying candidate from holding the office to which he may be elected.

Private deposits by county treasurers.—An act to add a new section to the Penal Code of the State of California, to be known and designated as section 180, relating to the acceptance and holding of private deposits of moneys in the county treasury by the county treasurers. (Chap. LXIII, p. 56, approved March 3, 1897.)

Prohibits any county treasurer from receiving private moneys on deposit. Violation, a misdemeanor: Penalty, imprisonment in the county jail for not less than six months nor more than one year, or by a fine of \$500 to \$5,000, or both such fine and imprisonment, in the discretion of the court, and, in addition thereto, shall forfeit his office.

Imitation butter and cheese.—An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor. (Chap. LXXV, p. 65, approved March 14, 1897.)

SEC. 1. Defines imitation butter and cheese as a semblance of these articles, and designed to be used as a substitute to butter and cheese made from pure milk and cream.

SECS. 2 and 3. Prohibit the manufacture and sale of imitation butter and cheese except in such manner as will advise the purchaser and consumer of its real character, and demands that any substance designed to be used as a substitute for butter and cheese shall be so branded and stamped upon the top and sides of tub, firkin, box, or other package in which such article shall be kept, as to describe its exact nature, and to state also the name and address of manufacturer and name of place where manufactured.

SECS. 4 and 5. Prohibit transportation of or having in possession or control any substance designed to be used as a substitute for butter and cheese without statement and label as hereinbefore provided; not applying however to goods in transit between foreign States and the State of California, or to persons who have the same in their possession for the actual consumption of themselves or family.

Sections 6 to 10, inclusive; prohibit the sale of or use by the keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment, or by any person furnishing board for others than members of his own family, of any imitation product of butter or cheese that is not marked or labeled or verbally notified as such imitation material. Having in possession or control of any substance designed to be used as a substitute for butter or cheese which is not marked as required, or the removal or effacement of any such mark or label is also prohibited.

SEC. 11. Forbids the use of any other substance than the pure article of butter or cheese in any of the charitable or penal institutions of the State.

Violation of any of above-named provisions a misdemeanor punishable, for the first offense, by a fine of \$50 to \$150, or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense by a fine of \$150 to \$300, or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

The remaining sections of the act provide for the analysis of samples of article seized by virtue of the supposition that they are imitations of butter and cheese, by the State dairy bureau, the constitution and organization of which is defined.

Grades of cheese.—An act defining the different grades of cheese and for branding the same, manufactured in the State of California. (Chap. LXXXVI, p. 69, approved March 4, 1897.)

SECS. 1, 2, and 3. Define the different grades of cheese manufactured in California, and the brands for the same, to be procured from the State Dairy Bureau.

SEC. 4. Prohibits the sale of any of the grades of cheese herein defined, not branded by an official brand.

Violation, a misdemeanor: Penalty, for first offense, fine \$25 to \$50, or imprisonment in the county jail for not exceeding twenty-five days; and for each subsequent offense, by fine of \$50 to \$100, or by imprisonment in the county jail not less than fifty to one hundred days, or by both such fine and imprisonment, at the discretion of the court.

NOTE.—New feature; requirement of official brand. Former penalty, fine \$10 to \$500 or imprisonment ten to ninety days or both fine and imprisonment.

Primary elections.—An act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain

acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes. (Chap. CVI, p. 115, approved March 13, 1897.)

All primary elections under provisions of this act shall be held at times herein specified. Conventions are designated, and the duty of boards of election commissioners with regard to election is defined.

Various sections relate to the filing of petitions, duty of election commissioners, selection of officers of election, publishing of statement to voters, and declaring the refusal to act of persons chosen as election officers without being duly excused therefrom, a misdemeanor, punishable by a fine of \$25 to \$200, or by imprisonment from five to twenty days, or by both fine and imprisonment.

Section 22 reads as follows: "Any person who, at any primary election, shall vote illegally, or attempt so to vote, shall be subject to the same punishment provided by law in case of such voting or attempting to vote at a general election in this State. No person shall be allowed to vote whose name does not appear upon the great or precinct register of the county, or city and county, used at the last general election held before such primary election in the precinct in which he desires to vote, as a person entitled to vote in such precinct, or unless his name appears upon the supplements to such great or precinct registers. If the election officers at such primary election shall knowingly permit any person to vote after being challenged, who shows, by his examination, that he is not entitled to vote, they shall be guilty of a felony, and upon conviction thereof be imprisoned in State prison not less than one nor more than five years."

NOTE.—Section 22 repeats, with verbal amendments, section 12 of act approved March 27, 1895.

New feature: Limit of expenditure, section 33.

Section 8 enlarged; penalty stated.

Section 7 of act March 27, 1895, calls it misdemeanor.

Civil and legal rights.—An act to protect all citizens in their civil and legal rights. (Chap. CVIII, p. 137, approved March 13, 1897.)

SEC. 1. Declares that all citizens within the jurisdiction of this State shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating houses, barber shops, bath houses, theaters, skating rinks, and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

SEC. 2. Prescribes penalty for violation of this right to citizens except for reasons applicable alike to every race or color, namely, fine of not less than \$50, which may be recovered in an action at law brought for that purpose.

Transfers of real estate.—An act for the certification of land titles and the simplification of the transfer of real estate. (Chap. CX, p. 138, approved March 17, 1897.)

Section 111 of this act declares that whoever fraudulently procures or assists in fraudulently procuring any certificate of title to land or other instrument shall be guilty of a felony: Penalty, a fine not exceeding \$5,000, or imprisonment not exceeding five years nor less than one year, or either, or both such fine and imprisonment, at the discretion of the court.

Section 112 declares that whoever forges or assists in forging the seal of the registrar or the signature or handwriting of any officer of the registry office, or fraudulently stamps the seal of said registrar, or swears falsely concerning any matter or procedure made and done in pursuance of this act, shall be guilty of a felony: Penalty, imprisonment not exceeding ten years nor less than one year, or fine not exceeding \$5,000, or both fine and imprisonment, in the discretion of the court.

NOTE.—Section 112 amends sections 472 and 473 of penal code by statement of law and penalty for violation.

Former penalty, imprisonment for not less than one nor more than fourteen years.

Municipal ordinances.—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. (Chap. CXV, p. 175, approved March 18, 1897.)

As amended section 862 defines the powers of boards of trustees of cities of the sixth class with relation to the passage of ordinances, the purchase, lease, or reception of property necessary for municipal purposes, contracts for supplying the city or town with water, building of bridges, repairing of streets, maintaining of drains and sewers, providing fire engines, imposing, levying, and collecting taxes, improving rivers and streams flowing through such city, or adjoining the same, erecting and maintaining buildings for municipal purposes, acquiring and operating street railways, telephone and telegraph lines, gas and other works for light and heat, public buildings, parks, and baths.

Said boards are further empowered to impose fines, penalties, and forfeitures for any and all violations of ordinances; to fix the penalty by fine or imprisonment, or both, for any such violation; no fine to exceed \$300 nor term of imprisonment to

exceed three months. All persons imprisoned for violation of any ordinance shall labor on the streets or other public property or works within the city.

Width of tires.—An act to regulate the width of tires of wagons to be used on the public highways of the State of California. (Chap. CXVII, p. 177, approved March 20, 1897.)

SEC. 1. Prescribes the width of tires on wagons of various styles.

SEC. 2. Prohibits the sale, purchase, or use upon any public highway of the State of California, also the bringing into the State of California for sale, of any wagon or other vehicle having tires of a less width than specified.

Violation, a misdemeanor: Penalty, fine \$25 to \$500, or imprisonment in the county jail twenty-five days to six months.

Counterfeiting trade-marks.—An act to amend sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trade-marks, and the sale of goods bearing counterfeited trade-marks, and other infringement of the rights of trade-marks. (Chap. CLVII, p. 212, approved March 27, 1897.)

As amended, section 350 of the Penal Code of the State of California declares that every person who willfully reproduces, copies, imitates, forges, or counterfeits any trade-mark duly recorded in the office of the Secretary of State or with the Commissioner of Patents in the United States Patent Office, or affixes the same to goods of essentially the same descriptive properties and qualities as those referred to in the registration of such trade-mark with intent to deceive, is guilty of a misdemeanor.

Section 351, as amended, declares that every person who sells, keeps for sale, manufactures, or prepares any goods to which any counterfeited trade-mark has been affixed, intending to represent such goods as genuine, is guilty of a misdemeanor.

Section 354, as amended, declares that every person who has in his possession or who uses any cask, bottle, vessel, case, cover, label, brand, or other thing bearing upon the trade-mark of another which has been duly recorded, as before stated, for the purpose of disposing of any article other than was originally contained or connected with such cask, bottle, vessel, case, cover, label, and brand, with intent to defraud, is guilty of a misdemeanor.

Highways and bridges.—An act to amend section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways. (Chap. CLXII, p. 218, approved March 27, 1897.)

As amended, section 2737 prohibits obstruction or injury to highways by drainage or seepage water, attaching to such obstruction a penalty of \$10 for each day such obstruction or injury remains, and punishment, as provided in section 588 of the Penal Code. It also prohibits willful injury to any public bridge.

Such injury, a misdemeanor. Misdemeanant liable for damages.

Further provision relates to the placing of carcasses or refuse matter within 100 feet of any street, alley, highway, or road in common use, violation of which is a misdemeanor.

NOTE.—New feature: Supervisors of county may bridge irrigation ditches, and declare, with consent of the owners of said ditches, the bridges to be public property under charge of county.

Payment of wages.—An act requiring every corporation doing business in this State to pay their employees, and each of them, at least once in each and every month, the wages earned by such employee; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counterclaims, or the absence of such employee at the time of making payment, and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this act by such corporation, and to provide for the disposition of any fines recovered from corporation violating the same. (Chap. CLXX, p. 231, approved March 29, 1897.)

Violation of section 1 of this act entitles employee to a lien on property; also an attorney's fee.

Section 3 sets forth defense in trial.

Section 4 declares assignment for evasion invalid.

Sections 5 and 6 prohibit illegal agreement and provide that wages shall be paid in lawful money.

Penalty for violation, fine not exceeding \$100 or less than \$50.

Imprisonment of seamen.—Assembly joint resolution No. 27, relative to the punishment of seamen for leaving a vessel before the expiration of the term of service agreed upon. (Chap. XXXIII, p. 649, adopted March 22, 1897.)

A resolution condemning the principle of imprisonment for desertion among our seamen as unjust to them, unnecessary to commerce, and repugnant to our sense of American liberty; in view of the recent decision of the United States Supreme Court in the Arago Case, such law is deemed a menace to the personal rights of every other class of workers.

Action of the Representatives of California in Congress commended in their efforts to improve the condition of our seamen and of our merchant marine.

Fire patrol (Chap. 168, p. 223, approved March 29, 1897).—Provides for regulation of fire patrol corporations sustained by insurance companies. Insurance companies are obliged to furnish semiannually a statement of the aggregate amount of premiums received for insuring property. The statement to be sworn to and submitted to the secretary of the corporation organized to establish a fire patrol. Officers of insurance companies neglecting to render the statement herein provided fifteen days after said demand shall forfeit \$50 for the use of said corporation, and also \$25 in addition for every day he shall so neglect after the expiration of the said fifteen days.

Taxes (chap. 267, p. 427, approved April 1, 1897).—Prescribes the duties of supervisors and auditors, tax collectors, etc.

SEC. 7. Provides that the auditor must make a statement to the comptroller of State of the full amount of taxes levied. Failure to do so within ten days forfeits to the State \$1,000. He is likewise required to furnish other statements under the same penalty.

County government (chap. 277, p. 452, approved April 1, 1897).—An act to establish a uniform system of county and town government. The law is an elaborate one, providing for a board of supervisors in each county. To this board are committed general permanent powers. Certain general powers relating to roads, bridges, the maintenance of hospitals, the erection of court-houses and jails, the levying of taxes, and the adoption of ordinances necessary for public health, the working of prisoners confined in the county jail upon the public grounds and highways, etc.

SEC. 53. Neglect of duty, or malfeasance in office by supervisors, in addition to the penalty provided in the Penal Code, is punished by a fine of \$500 for every such act.

GAME LAWS.

Fish.—An act to repeal sections 628a, 630, 632a, 632b, 633, and to amend sections 628, 635, 636, of the Penal Code of the State of California, relating to fish. (Chap. CCXX, approved March 31, 1897.)

Section 628, as amended, defines the closed season for striped bass, black bass, lobster or crawfish, crab, sturgeon, and young fish, prohibits the taking or catching of said fish within the period of closed season, and also prohibits taking from private ponds and from streams where a United States fish hatchery is in operation.

Violation, a misdemeanor: Penalty, fine \$20 to \$500, or imprisonment in county jail ten to one hundred and fifty days, or both such fine and imprisonment.

Section 635, as amended, prohibits destruction of fish in any waters of the State of California by explosives of any kind, or by the placing of refuse matters or substances deleterious to fish in those waters.

Violation, a misdemeanor: Penalty, fine of not less than \$250, or imprisonment in the county jail not less than one hundred and fifty days, or both such fine and imprisonment.

Section 636 of the code, as amended, defines certain nets and seines not prescribed by law, and prohibits use of same.

Violation, a misdemeanor: Penalty, fine of not less than \$100 or imprisonment in county jail not less than fifty days, or both such fine and imprisonment.

NOTE.—New features: Of section 628, the inclusion of bass, lobster, and sturgeon; prohibition of fishing in private ponds or streams having a hatchery; and defines penalty.

Of section 635, inclusion of dynamite and gunpowder; and defines punishment. Of section 636, change in penalty. Former penalty not less than \$50 and not more than \$300 or imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Game and song birds, deer, etc.—An act to repeal various divisions of sections 626 and 627, and amending the same, of the penal code of the State of California, relating to game. (Chap. LXXIX, p. 90, approved March 9, 1897.)

As amended, section 626 prohibits the pursuit, hunting, taking, killing, or destroying various kinds of game and song birds, deer, elk, or mountain sheep, except between the time of specified dates; or the having in possession, except for the purpose of propagation, permit in writing having therefor been obtained from the board of fish commissioners of the State of California.

Violation, a misdemeanor; Penalty, fine of \$20 to \$500 or imprisonment in county jail for ten to one hundred and fifty days, or both such fine and imprisonment. It is no defense in a prosecution that the birds or animals were taken or killed outside the State of California. Provisions of this section not applicable to animals taken or killed in Alaska or any foreign country.

Section 627 as amended prohibits the use of a shotgun of a larger caliber than that commonly designated as a No. 10 gauge; also the shooting within inclosed fields or cultivated grounds which are private property, and where signs are displayed forbidding the shooting of any of the above-named birds or animals.

It furthermore prohibits the transportation from the State of California of any deer-skin, buck, doe, or fawn, or any quail, partridge, pheasant, grouse, prairie chicken, dove, or wild duck, except for purposes of propagation.

Violation, a misdemeanor: Penalty, fine not less than \$20 or more than \$500 or imprisonment in county jail from ten to one hundred and fifty days, or both such fine and imprisonment.

Homing pigeon.—An act for the protecting of the Antwerp messenger or homing pigeon. (Chap. XXXIX, p. 37, approved February 26, 1897.)

Sections 1 and 2 make it unlawful for any other person than the owner thereof to shoot, maim, kill, or forcibly entrap or detain any Antwerp messenger or homing pigeon. Violation, a misdemeanor: Penalty, fine of not less than \$10 or more than \$25 or by imprisonment in the county jail for a term not exceeding fifty days.

Fish.—An act to amend sections 632 and 634 of the penal code of the State of California, relating to fish. (Chap. XXIV, p. 20, approved February 25, 1897.)

The act in section 632 prohibits the taking, selling, or having in possession any variety of trout except steelhead trout (*Salmo gairdneri*) between the 1st day of December and the 1st day of April following; also the buying, selling, or offering for sale of steelhead trout between the 1st day of February and the 1st day of May of each year; and the taking of any trout at any time except with hook and line; provided, however, that steelhead trout may be taken in tide water with lawful nets between the 1st day of May and the 1st day of February of the following year. A lawful net shall be a net that when placed in the water is unsecured and free to float with the current or tide, and the meshes of which are, when drawn closely together and measured inside the knot, not less than 7½ inches in length.

Penalty for violation, fine of not less than \$20 or imprisonment in county jail not less than ten days, or both such fine and imprisonment.

In section 634 the act prohibits the taking, catching, buying, selling, or having in possession any fresh salmon between the 10th day of September and the 16th day of October of each year; the taking or catching of any salmon above tide water between the 15th day of October and the 15th day of November of each year; the setting or drawing of any net or seine for the purpose of taking or catching salmon, shad, striped bass, or sturgeon in any waters of the State between sunrise of each Saturday and sunset of the following Sunday; the use of any seine or net the meshes of which are, when drawn closely together and measured inside the knot, less than 7½ inches in length.

Violation a misdemeanor, punishable by fine of not less than \$200 or by imprisonment in the county jail of not less than one hundred and fifty days, or by both such fine and imprisonment.

The tide-water limits are furthermore described in detail. The above-named sections do not interfere with artificial hatchings by the United States Fish Commission and the fish commission of California.

In the prosecution for the violation of the provisions of section 634 of the act it shall be no defense that the fish were caught or taken outside or within this State.

NOTE.—New feature: Provides penalty for taking of trout and increases penalty regarding salmon. Former penalty fine of \$100 or imprisonment of fifty days, or both such fine and imprisonment.

COLORADO.

Felony and misdemeanors defined.—Sec. 1156, note 5. "Felony includes only such criminal offenses as are punishable by death or imprisonment in the penitentiary." (Mills's Annotated Statutes, Vol. I, Colo. Const., Art. XVIII, sec. 4.)

Misdemeanors are violations of the public laws not punishable by death or imprisonment in the penitentiary. (Note 12. *City of Greeley v. Hamman*, 12 Colo., 95.)

The term "felony" whenever it may occur in this constitution or the laws of the

State shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other. (Sec. 522.)

Forestry, game, and fish. (Chap. 7, p. 36, approved April 16, 1897).—The act is an elaborate one, creating a department of forestry, game, and fish, with a commissioner, a clerk, three forest and game wardens, and a superintendent of State fish hatcheries. The commissioner, wardens, and deputies have the rights and powers of sheriffs and constables, and may call to their aid such persons within the county as they may deem necessary. Any person who shall without cause refuse to give such aid when requested shall be deemed guilty of a misdemeanor.

Sec. 11. Any person who shall start or cause or suffer to be started any fire on his own premises or elsewhere, in or near any woodland, forest, or prairie, without having first prepared a good and sufficient guard line, by plowing or otherwise, around the place where the fire is to be started, sufficient to prevent the spreading of fire beyond the guard line, shall be deemed guilty of a misdemeanor. All camp fires must be totally extinguished before breaking camp. It is a misdemeanor to maliciously set on fire woods, prairie, or ground of any description.

A misdemeanor to cut or remove any coniferous growth from the public lands or State lands, with the intent to ship or sell the same outside the State. The provision does not apply to the transplanting of trees for ornamental purposes.

Violation of any of the provisions of the act a misdemeanor; fine, \$25 to \$300, or imprisonment in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment. The minimum penalty for the killing of any bison, elk, or mountain sheep shall be \$300 or imprisonment not to exceed six months. For violations of sections 15, 16, 17, 18, and 19, relating to the killing of birds, the fine is \$10. A fine is collected, one-half is paid to the informer, and the remainder into the county treasury.

"In case Indians or other persons shall engage in the killing of game in violation of this act, to an extent beyond the reasonable power of the commissioner, wardens, constables, or sheriffs to control, it shall be the duty of the sheriff of the county in which such violation exists, upon the demand of any person, to call to his assistance at once a sufficient number of persons to enforce the same promptly and effectually. Any such officer failing, refusing, or neglecting to enforce the provisions of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined and punished as in case of any other violation of this act."

NOTE.—New features: Section 1 creates a department. Section 11, guard lines from fires. Section 30, game of violators may be seized and distributed to poor.

Section 48, former penalty for killing bison, elk, or mountain sheep, fine from \$25 to \$100, imprisonment from ten to ninety days. (Act, April 7, 1893.)

Blacklisting and boycotting.—An act to prevent blacklisting and boycotting. (Chap. 31, p. 118, approved April 21, 1897.)

Sec. 1. Prohibits corporations or individuals from publishing or circulating any black lists or circular or statement which will deprive ex-employees from obtaining employment.

Sec. 2. Dismissed employees may demand specific reasons in writing for their dismissal: Provided, That no person or corporation shall be held liable either civilly or criminally for any such reasons so given upon such request.

Sec. 3. Makes it unlawful for unions or employees to boycott any individual, firm, or corporation carrying on any kind of trade or business, "by agreeing not to patronize, trade, or do business with any such individual, firm, or corporation, or to induce others not to do patronize, trade, or do business with any such individual, firm, or corporation."

Violation, a misdemeanor. Fine, minimum, \$500; maximum, \$1,000; or imprisonment sixty days to one year; or both fine and imprisonment at the discretion of the court.

NOTE.—Amends act of April 2, 1887, and makes more explicit, as to boycotting, act of April 19, 1899. New features: Section 1, railroad and telegraph companies and their agents included. Section 2, new. Section 4, former penalty as to blacklisting, not less than \$50 nor more than \$250, or imprisonment not less than thirty days nor more than ninety days, or both.

Building and loan associations (chap. 33, p. 121, approved May 4, 1897).—The act consists of 20 sections, covering 11 pages, and prescribes in detail for the formation and conduct of such associations.

The penalties prescribed are a penalty of \$50 for every day in which the treasurer shall neglect to keep the moneys of the corporation in a separate bank account to his credit as treasurer, to be recovered for the benefit of the association at the suit of any stockholder, and shall be subject to removal from office.

Officers failing to file a semiannual report with the county clerk (section 12) shall pay a sum of \$10 for every day if such report is withheld or delayed, the fine

to be applied to the benefit of the school fund. False entries or reports are punished in the following section:

"Sec. 13. Every person who shall wilfully or knowingly subscribe or cause to be made any false report, false statement, or false entry in any book of any association organized for the purposes set forth in section 1 of this act, or exhibit false papers with the intent to deceive any person, or shall make, state, or publish any false report or false statement of the financial condition of such association, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined in any sum not exceeding five thousand (5,000) dollars, and be imprisoned in the State penitentiary not less than one nor more than five years."

Similar associations organized or incorporated in any State or Territory other than the State of Colorado shall be known in this act as a foreign building and loan association, and any person soliciting business for any such foreign company which has not fully complied with the provisions of the act shall be guilty of a misdemeanor. Penalty, not exceeding \$1,000, or imprisonment in the county jail not more than thirty days, or both, in the discretion of the court.

NOTE.—Repeals act of April 17, 1889, which stated no penalty. New features: Section 2, title must form part of corporate name. Section 10, treasurer must give bond, subject to penalty. Section 13, false entering a felony, subject to fine and imprisonment. Section 18, agents of unauthorized associations subject to penalty of fine or imprisonment, or both.

Capital punishment (chap. 35, p. 135, approved March 29, 1897).—Sec. 1. Capital punishment is hereby abolished in this State, and hereafter every person convicted of murder in the first degree shall suffer imprisonment for life at hard labor in the penitentiary.

Sec. 2. Repeals laws inconsistent with this act.

Coal mines—Check weighman (chap. 37, p. 137, approved March 31, 1897).—Provides for the employment of a check weighman to be selected by the miners in coal mines working 20 or more miners under ground. His wages shall be paid by the miners therein employed. His duties are to see that all coal is accurately weighed. Every owner or lessee is to give him free access to all scales and weights and books wherein the weights of coal are recorded. To refuse to allow such check weighman to be employed or to give him access to scales, weights, and books is a misdemeanor: Penalty, \$25 to \$500.

Sale of cocaine (chap. 38, p. 138, approved March 31, 1897).—It is made unlawful to sell cocaine or any of its salts or compounds without a written prescription from licensed surgeon or physician, unless to some person actually engaged in the drug business, or to a licensed practitioner of dentistry.

Penalty, fine \$5 to \$300 for each offense.

Dentistry (chap. 43, p. 144, approved April 17, 1897).—Takes the place of a previous act approved March 15, 1889, to regulate the practice of dentistry. Provides for a board of dental examiners, and for the registration and license of qualified persons. Examination fees, \$10.

Sec. 7. Violation of any provisions of the act a misdemeanor: Penalty, fine \$100 to \$300.

Coercion of employees (chap. 50, p. 156, approved March 18, 1897).—It is made unlawful to prevent employees from forming or joining any lawful labor organization, or political party, or coercing them by discharging or threatening to discharge them because of their connection with such organization or political party.

Violation a misdemeanor: Penalty \$100 to \$500, or imprisonment from six months to one year, or both, in the discretion of the court.

Horseshoeing, regulating practice of (chap. 54, p. 164, approved March 31, 1897).—Provides that no person shall practice horseshoeing in any city of this State having a population of 70,000 inhabitants without registering with the county clerk. No person shall be entitled to register without a certificate from the board of examiners unless he has practiced horseshoeing in the State for four years preceding the passage of the act. A board of examiners is to be appointed by the governor, consisting of one veterinarian and two master horseshoers.

Neglect to register, the use of fraudulent certificates or any other violation of the acts a misdemeanor: Penalty \$5 to \$50, or imprisonment in the county jail from one to thirty days for each violation, each day being considered a separate offense. The justices of the peace have jurisdiction in all cases arising under this act.

National guard (chap. 63, p. 182, approved April 13, 1897).—An elaborate law in relation to the enrollment and organization of the militia of the State of Colorado. The following civil penalties are introduced into the law:

Refusals of keepers of taverns or boarding houses and others to give information of persons residing in their houses liable to enrollment, punishable by fine of \$20. Persons refusing to give their name and age are fined \$10. Assessors neglecting to perform their duties are fined \$100 and committed to the county jail until such fine and costs are paid or secured to be paid. Surgeons giving false certificates of disability to persons liable to be enrolled shall be fined \$50 for each offense.

The alteration of certificates of disability or the use of such certificates by persons not entitled to them is forgery, punishable accordingly.

It is unlawful for a civilian to wear any portion of a uniform prescribed for the National Guard. Penalty, fine from \$5 to \$25, or imprisonment in the county jail for not more than twenty-five days.

It is made a misdemeanor to sell or give away intoxicating liquors within the limits of an encampment of the National Guard, or within 1,000 feet of such limits. Penalty on conviction by justice of the peace within the county where the encampment may be held, \$50 or imprisonment in the county jail, or by both fine and imprisonment, at the discretion of the justice. Imprisonment not less than thirty nor more than ninety days. The costs against the defendant.

The commanding officer may fix certain bounds, not including any public road, within which no spectator shall enter without leave. Intrusion or disorderly conduct punishable by a fine from \$10 to \$50 and the costs of the prosecution, the offender to be committed until costs and fine are paid.

The bill provides for courts of inquiry, general courts-martial, and summary courts. The president of a general court-martial, court of inquiry, or a summary court may issue subpoenas and force the attendance of witnesses and punish a refusal to be sworn as provided for in civil courts.

In time of riot the officer who refuses, under call of the proper authority, to order the troops at the time and place appointed shall be cashiered and be further punished by a fine from \$100 to \$1,000, or imprisonment not exceeding six months, or both, at the discretion of a court-martial. Persons advising or endeavoring to persuade an officer to neglect to appear at such a place shall, on conviction by the county court, be imprisoned not to exceed six months, or fined not to exceed \$1,000, or both, at the discretion of the court.

When the commanding officer orders out his command for such duty he may order enlisted men to notify the men enrolled in such organization to appear at place and time appointed. Every enlisted man who refuses or neglects to serve such notice, and every officer and enlisted man who, having been served with such notice, refuses or neglects to obey the same promptly shall be fined from \$10 to \$100, at the discretion of a court-martial.

SEC. 13. Whosoever in the day or night season breaks into or enters any building where military property of the State, or of the United States, is kept, shall be deemed guilty of burglary and punished accordingly.

Any person who refuses to deliver military property to any officer entitled to take possession thereof shall be liable to an action for the recovery of such property, and to a penalty from \$10 to \$100.

SEC. 19. Makes it unlawful for any body of men to associate themselves together as a military company without authority, and whoever offends against this provision may be punished by a fine not exceeding \$10 for each offense or by imprisonment for a term not exceeding six months.

NOTE.—New features: Section 5, new. Section 8, in force since 1889. Section 9, in force since 1889. Article 6, military courts. Section 1 (c), formerly delinquency courts. Section 4, former court "one commissioned officer and two enlisted men;" and order of the court served five days before the time of meeting.

Article 7, miscellaneous. Sections 1 and 2, new. Section 3, substantially new; former titles used, commander in chief and sheriff of the county. Section 21 adds "for each offense."

Partnerships, (chap. 65, p. 248, approved March 31, 1897).—All persons trading or doing business under the name of "manager," "trustee," "agent," or in any other representative capacity, and persons using the words "and Co." or "and Company," or merely one initial letter as part of the business name, and persons doing business under any other name than the personal names of its constituent members shall file for record with the clerk and recorder of the county an affidavit setting forth the full Christian and surname and addresses of all the parties who are so represented. Failure to do so is a misdemeanor: Fine, \$10 to \$300 or imprisonment in the county jail from ten to ninety days, at the discretion of the court.

Pawnbrokers (chap. 66, p. 250, approved March 31, 1897).—The law provides various regulations for the government of pawnbrokers.

SEC. 8. Pawnbrokers are prohibited from receiving any more than 3 per cent per month or a fractional part of a month on any loans under penalty of \$100 for each

and every offense. It is made unlawful to loan to any person under the age of 21 years on any article or things under a penalty of \$100.

SEC. 16. Any person or persons loaning money on personal property and charging as much as the maximum rate of interest herein provided shall be deemed a pawnbroker, and such person doing business without a license shall be guilty of a misdemeanor, and, on conviction, shall forfeit all moneys loaned by him or her, and shall be liable to fine or imprisonment, or both, in discretion of the court.

NOTE.—Former rate of interest, act of April 3, 1893, "on all sums of five dollars or less, ten per cent per month; on all sums of more than five dollars or less than fifty dollars, five per cent per month; on all sums of fifty dollars or more, three per cent per month." Section 14, former limit of age 15 years. Section 16, new. Section 20, repeals act of April 3, 1893, and substitutes nothing in place of section 13 of that act which provides penalty for violation of provisions.

Sales on credit (chap. 71, p. 262, approved April 17, 1897).—SEC. 1. Every person who shall purchase goods, wares, or merchandise upon credit under an assumed or fictitious name with intent to cheat or defraud the seller or vender shall be guilty of a misdemeanor: Penalty, fine not exceeding \$300 or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 2. Provides that a person who purchases on credit and hypothecates or sells the merchandise before paying for it with intent to cheat or defraud the seller or vender shall be guilty of a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 3. Provides that those who purchase upon credit and abscond from the State shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Trespassers upon State lands (Chap. 73, p. 265, approved April 14, 1897).—It is made a misdemeanor to cut or remove timber from any State land without authority from the State board of land commissioners. Penalty, fine from \$3 to \$300 or imprisonment in the county jail thirty days to three months, or by both such fine and imprisonment for the mutilation or destruction of each tree.

Horticulture (Chap. 55, p. 168, approved April 16, 1897).—Provides for the appointment by the county commissioners of a county horticulture inspector on the petition of thirty-five freeholders in the county stating the necessity of protecting horticultural interests from disease, provides for examination and compensation and describes duties of such inspectors.

It is made unlawful to spray fruit trees while in bloom with any substance injurious to bees.

Violation of any provisions of the act a misdemeanor.

Penalty, imprisonment in the county jail ten to one hundred days or fine of \$10 to \$100.

NOTE.—Amends act of March 8, 1883, approved April 5, 1893. New features: Section 1, formerly fifteen owners to petition; three horticulturists; duty of the professor of entomology defined; former fee, \$3; inspector to give bond. Section 3, formerly neglect subject to fine of not less than \$5 nor more than \$100.

Infection of trees and plants (chap. 12, p. 59, approved April 15, 1897).—Creates a State board of horticulture, establishes regulations to prevent the spread of contagious diseases among fruit trees, provides for inspectors and the notification of owners whose trees are infected. If owner shall fail to destroy or to treat infected trees as directed, he shall be guilty of maintaining a public nuisance. Fine, \$5 to \$100, and such orchards or trees may be declared public nuisances and may be proceeded against as such.

SEC. 15. It is made unlawful to spray fruit trees in bloom with any substance injurious to bees: Penalty, fine \$5 to \$50.

CONNECTICUT.

High crime or misdemeanor.—In case of conviction for any high crime or misdemeanor at common law, the offender may be imprisoned in the State prison not more than five years, or in a jail not less than two months nor more than one year, or fined not more than \$500, or both; and in case of conviction for any other offense at common law, the offender shall be imprisoned in a jail not less than thirty-one days, nor more than one year, or fined not more than \$300, or both. (Gen. Stat., 1888, Sec. 1622.)

NOTE.—The above section 1642 is an exact rescript of section 21, on page 540, General Statutes, 1875, enacted 1828.

Lobsters (Chap. XI, p. 746, approved March 3, 1897).—Taking, buying, selling, possessing lobsters less than 9 inches in length, or taking and keeping female lobster with ova or spawn, forbidden: Penalty, fine from \$7 to \$50 for each lobster, or imprisonment not more than thirty days, or both.

NOTE.—Former law, 6 inches long: Penalty not less than \$10 nor more than \$50, or imprisonment not exceeding thirty days, or both.

Hard round clams (Chap. XII, p. 747, approved March 3, 1897).—No hard round clams less than 1 inch in thickness, or which will pass through a ring of 1½ inch internal diameter, may be caught, possessed, bought, sold, or offered for sale: Penalty, fine \$5 to \$25, one-half to person making complaint, the other half to town treasury.

Escalops (Chap. XIII, p. 747, approved March 3, 1897).—Prohibits taking of escalops between 1st day of April and 1st day of October; also, taking by raking or dredging: Penalty, from \$5 to \$25, one-half such fine to go to complainant, the other half to town treasury.

Death of owner of oyster grounds (Chap. XXXII, p. 760, approved March 17, 1897).—Certificate as to ownership of oyster grounds by estate of deceased persons, to be lodged with shellfish commissioners within two months of executor or administrator becoming qualified to act in such fiduciary capacity: Penalty for neglect or refusal, a forfeit of \$25.

Taking of lampreys (Chap. XXXIII, p. 761, approved March 17, 1897).—Section 1, of chapter xii, of public acts of 1895, amended to read: Every person who shall take any lamprey eels in the Farmington, Connecticut, or Scantic rivers between the 15th of May and the 1st day of September shall be fined \$5, or be imprisoned not more than thirty days, or both.

Concerning use of seines and nets (Chap. XXXIV, p. 761, approved March 17, 1897).—Use of any seine, drag, gill, or other net between sunset on Saturday evening and Sunday evening prior to June 20; or other net for catching shad with mesh less than 2½ inches square, prohibited: Penalty, \$100 fine.

Destruction of birds and nests (Chap. XXXIII, p. 756, approved March 15, 1897).—Killing, caging, trapping, possessing, dead or alive, any one of the list of thirty birds given, or destroying their nests, prohibited: Penalty, fine of \$1 for each bird or nest.

NOTE.—New feature: Longer list of birds. Former act 1875, p. 229. Proscription between 1st days of February and September.

Forfeiture of nets, seines, etc. (Chap. XXIX, p. 759, approved March 15, 1897).—Boats, seines, nets, spears, torches used in taking fish in violation of law may be seized and destroyed or sold. If sold, one-half of proceeds to party making seizure and balance, after paying costs, to town where seizure is made.

Shellfish (Chap. XXXI, p. 760, approved March 17, 1897).—Taking of shellfish on shores of Long Island Sound by plowing with any animal prohibited: Penalty, fine of not more than \$7 or imprisonment not over thirty days.

Shellfish (Chap. XXVI, p. 762, approved March 17, 1897).—Section 2403 of general statutes amended to forbid any person taking shellfish unless he and his employer are and have been for one year next preceding actual residents of the State. Any boat or tackle so used may be seized.

Killing of eagles (Chap. XXXIX, p. 763, approved March 17, 1897).—Killing of eagles permitted.

NOTE.—Former penalty, fine not less than \$25 nor more than \$50, or imprisonment not more than thirty days.

Pheasants (Chap. XLI, p. 764, approved March 17, 1897).—Hunting, killing, or attempting to kill Mongolian, Chinese, or English pheasants before the 1st day of October, 1900, or taking the eggs of such birds, or trapping such birds, prohibited: Penalty, fine not more than \$50. Nothing in this act to prevent taking alive for the sake of propagation, if done without trespass on land of another.

NOTE.—General statutes, 2530, protects partridges. Penalty, \$25, or on failure to pay fine, imprisonment not more than thirty days.

Nets in Milford Harbor (Chap. XLVIII, p. 768, approved March 24, 1897).—Use of nets, seines, etc., except for menhaden, eels, crabs, and bait fish, prohibited: Penalty, fine of not more than \$7.

Fishing in Black Pond (Chap. LXIII, p. 775, approved March 31, 1897).—Fishing in Black Pond between the 1st of November and 1st day of May, or using more

than three hooks on one line, prohibited: Penalty, not more than \$7 or imprisonment for not over thirty days.

NOTE.—Similar to act forbidding taking fish from Middlefield Reservoir with change of close season. Penalty, fine \$7 or imprisonment not more than ten days, or both.

Fishing in Moose Hill Reservoir (Chap. LXIV, p. 776, approved March 31, 1897).—Taking any fish from waters of Moose Hill Reservoir for four years prohibited: Penalty, fine not over \$7 or imprisonment not more than thirty days.

NOTE.—Former close time, three years.

Fishing in Salmon River (Chap. LXVI, p. 777, approved March 30, 1897).—Fishing in Salmon River during July, August, September, December, January, and February prohibited: Penalty, fine of \$7 for each offense.

NOTE.—Act March 28, 1895, prohibited use of nets during any portion of the year. Penalty, not more than \$50 or imprisonment not more than thirty days.

Fishing in Stamford, Greenwich, Darien, and New Canaan (Chap. LXIX, p. 779, approved March 31, 1897).—Taking of brook trout from any pond or stream other than "private streams" in these towns before the 1st day of May, 1900, prohibited: Penalty, fine not more than \$20.

NOTE.—General Statutes, 2499, forbids catching trout excepting from April 1 to July 1. Penalty, fine not more than \$50 or imprisonment not more than thirty days, or both.

Taking fish from hatcheries (Chap. LXXVI, p. 806, approved April 8, 1897).—Unlawfully taking fish from hatcheries prohibited: Penalty, fine of not more than \$7 or imprisonment not more than thirty days, or both.

NOTE.—General statutes restricted law "to said club" and made the penalty "not more than \$70 or imprisonment, not less than twenty nor more than sixty days, or both."

Fishing in Bantam Lake (Chap. LXXXI, p. 808, approved April 8, 1897).—Taking fish from Bantam Lake between the 1st days of March and May prohibited: Penalty, fine of not more than \$7 or imprisonment for not over thirty days, or both.

Fish and game wardens (Chap. LXXXII, p. 809, approved April 8, 1897).—Provisions for fees of game wardens, special detectives, and protectors.

NOTE.—Penalty amended by canceling "and one-half of the fine or fines imposed."

Trout (Chap. LXXXIII, p. 809, became a law April 14, 1897).—Taking of trout in any way except with hook and line, selling or exposing for sale, or having in possession such trout except from the 1st day of April to the 15th of June prohibited: Penalty, fine not over \$50 and costs or imprisonment not more than thirty days, or both, except from inclosed waters for stocking other waters.

NOTE.—Shortens the open season; adds to the penalty "and costs."

Sale of shad (Chap. XC, p. 813, approved April 8, 1897).—Selling any except Connecticut River shad as Connecticut River shad prohibited: Penalty, fine of \$5.

Fishing in Blackberry River (Chap. XCII, p. 814, approved April 8, 1897).—Fishing in Blackberry River or its tributaries in Canaan or Norfolk with net or seine prohibited: Penalty, fine of not more than \$7.

Fishing in Bridgeport and Black Rock harbors (Chap. XCIII, p. 814, approved 1897).—The use of nets, seines, etc., except gill nets having a mesh not less than 2½ inches square, for shad prohibited. Other fish caught while fishing for shad to be returned at once to the waters whence they are taken.

NOTE.—Change in boundaries of fishing ground.

Protection of game (Chap. XCV, p. 815, approved April 14, 1897).—Shooting season for game defined: Penalty for killing or having in possession the designated birds or squirrels between the 15th of December and the 15th of October, fine not over \$10. Taking of eggs or snaring the same birds same penalty, provided that no person shall be imprisoned more than thirty days for failure to pay fine.

NOTE.—Former close season began 1st day of January; Former penalty not more than \$25.

Fish in Bride Brook and Pattagansett Brook (Chap. CLXIV, p. 865, approved May 25, 1897).—No person shall set any stationary nets or place weirs or other obstructions, except milldams, across Bride Brook or Pattagansett Brook, in East Lyme, between sunset on Saturday and sunrise the following Friday, between the 20th of March and the 1st day of May.

NOTE.—New feature, change of place affected by General Statutes 2469.

Fishing in Chapmans Pond (Chap. XCVI, p. 816, approved April 14, 1897).—Taking fish in Chapmans Pond prohibited: Penalty, fine not more than \$7 or imprisonment for not more than twenty days, or both.

Black and green bass (Chap. XCVII, p. 816, approved April 14, 1897).—Amendment to section 2 of Chapter CCCX of public acts of 1895, allowing the taking of bass in certain waters: Penalty, \$10 for each bass killed or sold.

Assessment of taxes (Chap. XXXVIII, p. 763, approved March 17, 1897).—Section 3638 of General Statutes amended to read as follows: "The cashier of each bank and national banking association, the treasurer of each savings bank, and the secretary of each corporation incorporated by the laws of this State shall, upon the request of the assessors of any town, or of any city, or of any borough, inform them of the name of any person therein who owns stock or bonds held by such corporation as collateral security for any indebtedness or liability, and the amount and the description of such stock or bonds." For neglect to furnish such information, where said stock or bonds are liable to be taxed, shall forfeit \$100 to said town or city.

Jurors (Chap. XLIV, p. 766, approved March 24, 1897).—Each juror, except on inquests, as otherwise provided in this section (section 10, Chapter CCXIX, 1895), shall receive two dollars and fifty cents a day; each grand juror and petit juror 6 cents for each mile of travel from his place of residence to the place of holding the court and return, for each week of his attendance as such juror; each juror for assessing damages or benefits on highways, one dollar and fifty cents a day; each juror in a civil action before a justice of the peace, or a town, borough, or city court of coroner's request, one dollar a day, except that jurors of the city court of New Haven shall receive two dollars and fifty cents a day without mileage.

NOTE.—New feature: Except that jurors of the city court of New Haven shall receive \$2.50 a day without mileage.

Barbed wire in cemeteries, etc. (Chap. LII, p. 770, approved March 31, 1897).—The use of barbed wire to inclose grounds of public schools, parks, cemeteries, etc., prohibited: Penalty, fine of not more than \$100.

NOTE.—Adds to section 1 "Public park or cemetery in this State."

Stealing electricity (Chap. LIII, p. 770, approved March 31, 1897).—Prohibits taking electric current without permission. Penalty, fine not to exceed \$50, or imprisonment for not more than ninety days, or both; same fine for anyone knowingly assisting anyone in stealing electricity.

Bicycle paths (Chap. LV, p. 772, approved April 1, 1897).—Willful injury to bicycle paths prohibited: Penalty, fine not to exceed \$50, or imprisonment for not more than three months, or both.

Registered dogs (Chap. LVI, p. 772, approved April 1, 1897).—Confining, secret-ing, injuring, or killing registered dogs, unless justifiable in preservation of life or property, prohibited: Penalty, fine of not over \$7, or imprisonment for not more than thirty days, or both.

NOTE.—Omits from act 1880, chap. 38, after in a civil action "for the full value of such dog."

Adulteration of vinegar (Chap. LXVII, p. 777, approved March 31, 1897).—Making and selling adulterated vinegar prohibited.

SEC. 1. Cider vinegar must be made wholly from apples. Penalty for violation of this section, \$50 for first offense; for second or later offense, \$100 and imprisonment thirty days.

SEC. 2. Provides that no person shall make or sell any vinegar not having an acetic acidity equivalent to not less than 4 per cent, by weight, of absolute acetic acid; that brand of maker and kind of vinegar be on the package, except in retail sales of less than 5 gallons. Penalty, \$10 fine for first offense, and for a second or later, \$50.

SEC. 3. Provides a penalty for the sale of adulterated or unlabeled vinegar. Fine, \$10 for first offense; for a second or later offense, \$50.

NOTE.—Penalties unchanged.

Oyster beds (Chap. CVI, p. 825, approved April 22, 1897).—Taking of oysters or shells from natural beds restricted. Taking oysters between the 10th of July and the 10th of September in the Housatonic River prohibited. Penalty, fine of not over \$50 or imprisonment not over thirty days, or both, provided this section be not construed to prohibit gathering with tongs below certain points described. Any person using a boat in violation of this act is liable to fine of \$10 a day for each day boat is used; boat liable to seizure.

Squirrels and rabbits (Chap. CIX, p. 828, approved April 22, 1897).—Using fire, gunpowder, dynamite, brimstone, etc., to take squirrel or rabbit from burrow or tree prohibited. Penalty, fine not over \$7.

Vessels illegally taking shellfish (Chap. CXXII, p. 836, approved April 29, 1897).—Boats illegally used in taking shellfish may be seized with their tackle and furniture; may be sold, and after deducting costs one-half proceeds to the one making the seizure and one-half to tow where seizure was made.

NOTE.—New feature concerns share of property seized.

Selling intoxicating liquors (Chap. CL, p. 854, approved May 13, 1897).—Penalty for selling intoxicating liquors to whom such sale is forbidden (General Statutes, sec. 3091) fixed. Fine, not less than \$5 nor more than \$50.

NOTE.—Special feature enforces notice authorized by General Statutes 3091 by penalty.

Intoxicating liquors (Chap. CLXXII, p. 871, approved May 25, 1897).—Taking intoxicants to persons to whom sale or gift is forbidden prohibited: Penalty, fine of not more than \$20.

Adulteration of fermented liquors (Chap. CCXXXVI, p. 948, approved June 10, 1897).—Use of deleterious substances forbidden in the manufacture of ale or beer; adulteration of ale or beer forbidden: Penalty for adulteration, fine \$1,000 or less, or imprisonment not over six months: Penalty for using deleterious materials, fine not over \$1,000 or imprisonment for one year, or both.

Bicycles (Chap. CXXX, p. 841, approved April 29, 1897).—Riding in highway within city or thickly populated village more than 10 miles an hour, or on sidewalk, or without alarm bell, prohibited: Penalty, fine not exceeding \$20 and damages.

SEC. 3. Provides permits for greater speed during specified time; also for children's velocipedes on sidewalk.

Theft of bicycles (Chap. CXXXI, p. 842, approved April 29, 1897).—Theft of bicycle worth more than \$25 shall be punished by imprisonment for one year; use of bicycle of another without permission forbidden: Penalty, fine of not more than \$50, or imprisonment not more than three months, or both.

Injuries from bicycles (Chap. XCI, p. 813, approved April 8, 1897).—Bicycle riders doing injury must give name and residence: Penalty, fine of not over \$500, or imprisonment of not over six months, or both, at the discretion of the court.

Guideposts (Chap. CCL, p. 965, approved June 12, 1897).—Selectmen to erect and maintain guideposts: Penalty for neglect, fine of \$5 for each offense.

NOTE.—Virtually an amendment of General Statutes, secs. 2697 and 2698.

Throwing sharp substances in the highway (Chap. LXXX, p. 808, approved April 8, 1897).—Throwing of nails, tacks, glass, crockery, scrap iron, or wire on the highway prohibited: Penalty, fine of not over \$20 for each offense.

Unauthorized fire insurance (Chap. 142, p. 849, approved May 6, 1897).—Amends section 2931 of General Statutes. Any person who solicits or procures policies in any company that has neglected to comply with the laws of the State shall be fined not more than \$1,000: *Provided, however,* That the insurance commissioner, on the payment of a fee of \$20 may issue a license to any person, permitting the person therein named to procure policies of fire insurance on property in the State in companies approved by the commissioner which have not complied with the laws of the State. The commissioner shall not approve of such company unless it shall have a paid-up capital of at least \$100,000.

Flags for schoolhouses (Chap. XCIX, p. 819, approved April 14, 1898).—Selectmen forbidden to neglect to provide flag for schoolhouse: Penalty for neglect or refusal, forfeiture of \$10 of each of board of selectmen; one-half to go to party who shall sue therefor, one-half to town.

Hotel keepers (Chap. C, p. 820, approved April 14, 1897).—Act of six sections.

SECS. 1 and 2. When hotel keeper shall not be liable for loss sustained by guest.

SEC. 3. Lien of hotel keeper on baggage of boarder.

SEC. 4. Sale of baggage and property to pay board bill.

SEC. 5. As to proceeds of such sale.

SEC. 6. Penalty for false pretense in obtaining food, accommodations, or credit at hotel: Penalty, fine not more than \$50, or imprisonment not more than thirty days, or both.

NOTE.—General Statutes 3046, as to liens, touches sections 3 and 4. Former baggage held until debt is paid. If debt not paid within sixty days, baggage to be sold.

General Statutes touches section 6. Penalty, "or imprisonment not more than three months."

Seizing of liquor (Chapter CXVI, p. 833, approved April 29, 1897).—Section 3086 of General Statutes amended as to proceedings on seizure of liquors. To be conducted as civil actions.

NOTE.—Former trials by the State's attorney.

Fraudulent drafts (Chap. CXX, p. 835, approved April 29, 1897).—Every person obtaining any valuable thing from another by means of altering or delivering a check, order, or draft on a third party purporting to be an order for the payment of money, when such person knows that the maker is not entitled to draw on the drawee for the sum specified, shall be fined not more than \$500, or be imprisoned not more than three years.

NOTE.—Enlarged application, General Statutes 1581, in which obtaining property under false pretenses subjects to penalty; fine not more than \$500, or imprisonment not more than one year, or both; or imprisonment in State prison "not less than one year nor more than three years."

Misappropriation of trust funds (Chap. CXXIII, p. 837, approved April 29, 1897).—Misappropriation of trust funds belonging to any ecclesiastical society or church prohibited: Penalty, fine of not more than \$1,000, or imprisonment in State prison not more than three years, or both.

Cruelty to persons (Chap. CXXIV, p. 838, approved April 29, 1897).—Cruelty to persons, by neglect, torture, deprivation of food, clothing, or shelter; and cruelty of a similar kind to children under 16, prohibited. Penalty, fine of not more than \$200 or imprisonment not more than six months, or both.

Insurance agents (Chap. CXXVIII, p. 840, approved April 29, 1897).—Neglect or refusal of insurance agents to comply with the provisions of sections 6 and 7 of Chapter CCII of the public acts of 1893 in making returns punishable with a fine of not more than \$100.

Embezzlement (Chap. CXXXVII, p. 845, approved May 5, 1897).—Embezzlement by agent or one acting for another person, a corporation, or an association, false entries upon books, false accounts, fined not more than \$500 or imprisoned not more than five years, or both.

NOTE.—Section 1580 of general statutes, as amended by Chapter CIX of public acts, repealed. Former penalty, imprisonment not more than ten years.

Diverting water to defraud (Chap. CXLIV, p. 851, approved May 5, 1897).—Diverting water from any person's pipe or from any water company or municipality with intent to defraud, prohibited: Penalty, fine not more than \$50 or imprisonment not more than thirty days, or both.

Selling tub butter (Chap. CXLV, p. 851, approved May 5, 1897).—Selling of tub butter pressed into prints or bricks, unless the words "tub butter" in Roman one-half inch letters are stamped on it and the wrapper likewise marked, prohibited: Penalty, a fine of not more than \$100.

Contagious diseases (Chap. CXLVI, p. 852, approved May 5, 1897).—Every physician required to report in writing cases of cholera, yellow fever, typhus fever, leprosy, smallpox, diphtheria, membranous croup, typhoid fever, scarlet fever, within twelve hours after his recognition of the disease: Penalty, fine of from \$5 to \$25 for each offense.

Itinerant vendors (Chap. CLII, p. 855, approved May 13, 1897).—Itinerant vendors prohibited from selling or exposing goods for sale without a license, as provided in this act: Penalty, a fine not exceeding \$50, or by imprisonment not exceeding sixty days, or both.

Taxes on corporations (Chap. CLIII, p. 857, approved May 13, 1897).—Section 3915 of General Statutes amended so as to compel the cashier of each national-bank association to give to the treasurer of the town annually a sworn list of all its stockholders residing without the State, the number of shares belonging to each, and market value of those shares the 1st of October; further, he shall pay to the treasurer $1\frac{1}{2}$ per cent of such value: Penalty, the cashier shall forfeit to the town \$100, together with the $1\frac{1}{2}$ per cent.

SEC. 2. Section 3916, General Statutes, amended to read as follows: "The cashier or secretary of each corporation whose stock is liable to taxation and not otherwise taxed by the provisions of this title shall, on the first day of October annually, or within ten days thereafter, deliver to the comptroller a sworn list of all its stockholders residing without this State on said day, and the number and market value of the shares of stock therein belonging to each; and shall, on or before the twentieth of October annually, pay to the State one and one-half per cent of such value."

Penalty, such cashier or secretary shall forfeit to the State \$100 in addition to the 1½ per cent so required to be paid.

NOTE.—Former payment in section 3915 “1 per cent.” Former payment in section 3916 “1 per cent.”

Registration of dogs (Chap. CLXVI, p. 865, approved May 25, 1897).—Dogs over six months old to be registered and licensed. If age or condition are misrepresented, the penalty therefor shall be a fine of not over \$7, or imprisonment of not over thirty days, or both.

NOTE.—Former license in General Statutes 3746, \$6.15 for unspayed female dog; in act June 20, 1895, section 1, \$10.15 for unspayed female dog. New feature: Change of time to six months.

Warning of electors' meeting (Chap. CLXVIII, p. 869, approved May 25, 1897).—Penalty for failure of town clerk to warn electors' meetings a fine of not over \$500.

Imitation butter (Chap. CLXXI, p. 870, approved May 25, 1897).—Section 2618 of General Statutes amended with reference to duties of dairy commissioner. Refusal of anyone to give dairy commissioner access to his premises for the purpose of examination liable to penalties provided.

NOTE.—Penalty provided, \$100, or, in default, sixty days' imprisonment.

Manufacture of food from flour and meal (Chap. CLXXIV, p. 872, approved May 25, 1897).—Act of five sections; defines bake shop, makes sanitary provisions, gives duties of factory and health officers.

Penalty, fine not less than \$20 nor more than \$100, with costs.

Blacklisting (Chap. CLXXXIV, p. 881, approved May 25, 1897).—Every employer who shall blacklist an employee with intent to prevent such employee from procuring other employment shall, upon conviction, be fined not more than \$200.

Practice of medicine, surgery, and midwifery (Chap. CLXXXVII, p. 882, approved May 25, 1897).—Definition of those who may practice in public, act 1894, Chapter CLVIII: Penalty, as given in 1893, fine not less than \$100 nor more than \$300 first offense; each subsequent offense not less than \$200 nor more than \$500, or imprisonment from thirty to ninety days, or both.

Section 2 amends verbally act of 1893 concerning proprietary remedies.

Sunday observance (Chap. CLXXXVIII, p. 883, approved May 25, 1897).—Secular business or labor, except works of necessity or mercy, keeping shops open, exposing property for sale, and sports prohibited between Saturday at midnight and 12 o'clock Sunday night: Penalty, fine of not over \$50.

NOTE.—Former penalty not more than \$4 nor less than \$1. Time changed from “between sunrise and sunset” on Sunday.

Injury to highways (Chap. CXCV, p. 986, approved June 2, 1897).—Willful injury to highways forbidden: Penalty, fine of not more than \$50 or imprisonment of not more than thirty days, or both.

Domestic animals (Chap. CXCI, p. 899, approved June 2, 1897).—Persons prohibited from bringing any domestic animals into the State without notifying the commissioner and giving a true state of their physical condition. Penalty, fine of not more than \$50; concerning quarantine of animals, killing of same, payment for, examinations of, duties of commissioner, and appointment of. Commissioner to be a practical farmer and stock breeder of at least ten years' experience. Salary, \$1,500 and expenses; term, two years.

NOTE.—New features: Appointment of commission on domestic animals. Conferring power formerly vested in board of agriculture on commissioner.

Adultery, bigamy, and seduction (Chap. CC, p. 900, approved June 2, 1897).—Penalty for adultery, imprisonment in a jail or State prison not more than five years. Penalty for bigamy, imprisonment for not more than five years; seduction, imprisonment not more than five years and fine not more than \$1,000.

NOTE.—New features: Section 1 adds “imprisoned in a jail” to General Statutes 1523. Section 2 adds penalty to General Statutes 1524. Section 3, former penalty of General Statutes 1526, “shall be imprisoned in a jail not more than one year,” etc.

Bicycles on highways (Chap. CCIII, p. 904, approved June 1, 1897).—Meeting and passing of bicycles on highways: the use of the word “vehicle” in sections 2689, 2690, and 2691 of the General Statutes to be construed to include “and tricycles.”

NOTE.—General Statute 2689 carries penalty \$15 and damages; General Statute 2690, treble damages and costs, and if by design, \$100 to State; General Statute 2691, for not giving way, \$7.

Highways (Chap. CCVII, p. 906, approved June 2, 1897).—Private crossing removed by railway company must be restored upon written request. Forfeiture of \$5 a day to person or persons having right to use such crossing after thirty days from date of notice.

NOTE.—New feature as compared with act July 1, 1893, protection of private interest as against railroad seizure.

Returns of railroad companies (Chap. CCIX, p. 907, approved June 2, 1897).—Returns of street-railway companies to be made to the commissioners: Penalty, forfeiture to the State of \$1,000.

NOTE.—Former penalty (see acts 1895, p. 550), \$25 for each day of neglect.

Elections (Chap. CCXIII, p. 911, approved June 4, 1897).—Act in twenty-two sections.

Section 19 declares that any person who willfully fails to perform any duty imposed upon him by this act shall be liable to a fine not exceeding \$1,000 or to imprisonment in the State prison not exceeding five years, or by such fine and imprisonment. Penalty for willful delay in counting or declaring vote, fine of not less than \$100 nor more than \$500 or imprisonment of not less than six months nor more than one year.

NOTE.—Sections 20 and 21, concerning incompetent counter and penalty in declaring vote, new.

Asylums for insane (Chap. CCXV, p. 919, approved June 9, 1897).—Act of ten sections regulating insane asylums. Section 9 provides that every person who shall conduct any institution for the treatment or detention of insane persons contrary to the provisions of this act shall be fined not more than \$1,000 or imprisoned not more than six months, or both.

NOTE.—New. Special features: (1) Asylum must be licensed; (2) must be under the charge of a physician; (3) penalty for violation of act. Acts as virtual amendment to act May, 1889.

Bodies of the dead (Chap. CCCXVI p. 935, approved June 9, 1897).—Regulations for the disposition of bodies by burial or by incineration, act with eight sections. Section 8 provides that whoever shall make false statements to secure permits, or who shall remove any body from the State for the purpose of cremation upon an ordinary removal permit, or who shall violate any of the provisions of this statute shall be liable to a fine not exceeding \$500 or to imprisonment not exceeding five years.

NOTE.—New feature as to false permit; penalty for such ordinarily \$500 or six months' imprisonment, or both.

Qualifications of electors (Chap. CCXXXIII, p. 944, approved June 10, 1897).—Act submitting proposed amendment to Article XI of the amendments to the constitution in relation to the qualifications of electors.

Preamble, qualifications of voters, regulations as to voting, certificates of presiding officers, blanks, canvass of votes, proclamation of governor, voting list, etc. Section 6 provides that any person neglecting or refusing to perform, or guilty of fraud in performing, any duty required of him by this act shall be fined not over \$100 or be imprisoned not over sixty days in jail.

NOTE.—Special feature of amendment requiring every voter to be able to read "in the English language."

Vestibules on street-railway cars (Chap. CCXLI, p. 954, approved June 11, 1897).—Railroad commissioners may direct that platforms be inclosed. Penalty for companies refusing to comply, forfeiture to the State of \$25 for each day of neglect or refusal.

Fugitives from justice (Chap. CCXLV, p. 957, approved June 11, 1897).—Taking persons from the State to answer to criminal charges, except on the warrant or mandate of the governor, prohibited: Penalty, fine \$200 to \$1,000 or imprisonment four months to two years, or both.

NOTE.—General Statutes 1674 and 1675 provide that no officer can deliver, even on warrant of governor, unless party arrested has opportunity to apply for writ of habeas corpus. Penalty: "not more than \$1,000 or to be imprisoned not more than one year, or both." This applies to section 1 of this act (June 11, 1897).

DELAWARE.

1897.

Misdemeanors.—Assaults, batteries, nuisances, and all other offenses indictable at common law and not specially provided for by statutes shall be deemed misdemeanors, and shall be punishable by fine and imprisonment, or either, according to the discretion of the court. (Revised Code, 1893, chap. 127, sec. 18 [p. 926].)

All offenses at common law not expressly made felonies by our statute are misdemeanors only. (*State v. Darrah*, 1 Crim. C., 112 (113); *Ridgely's Digest of Delaware Reports*, pp. 117–118.)

Pawnbrokers and junk dealers in Newcastle County (chap. 374, p. 317, approved May 17, 1897).—Section 1 of this act provides for a license to carry on the business of pawnbroking or junk dealing, prohibiting such business to be carried on without said license. Penalty for violation, fine of \$10 for each day that the business is carried on without a license.

Other sections provide for the giving of bonds by pawnbrokers for insurance on pawn goods, record to be kept by pawnbrokers or junk dealers of articles pawned or purchased, and for the inspection of such record.

SEC. 8. Prohibits a greater rate of interest than 8 per cent per month on any loan secured by pledge or personal property. Violation, a misdemeanor: Penalty, fine of \$100, or imprisonment at the discretion of the court.

SECS. 9–16. Deal with the sale of pawned articles.

SECS. 16–20. Provide for the examination by officers of pawnbrokers' or junk dealers' premises, and for the seizing of goods suspected of having been stolen.

Violation of the provisions of this act, a misdemeanor: Penalty, fine of \$500 for the use of Newcastle County. Second offense adds forfeiture of license to said fine, not to be renewed for a period of five years thereafter.

National Guard (chap. 392, p. 359, approved May 7, 1897).—The active militia of this State, under the title of "The National Guard of Delaware," is regulated by this act as to number of companies, guns, officers, privates of each company, officers of regiment, governor's staff, and duties of officers and privates of said National Guard are defined.

Misappropriation of public property furnished to any organization of the National Guard of Delaware is declared a misdemeanor: Penalty, fine not less than \$50 nor more than \$100 or imprisonment for not less than six months or more than one year, or both.

Injury to military property a misdemeanor: Penalty, fine not exceeding double the amount of the value of the property injured or imprisonment not less than two weeks nor more than two months or both.

SEC. 28. Declares that the military force thus organized shall be subject to the military rules applicable to such bodies. Violation shall be punished by fine and imprisonment as hereinafter provided, and in addition to such fine and imprisonment the offender may be reprimanded or dishonorably discharged from the service of the State.

SEC. 29, 30, and 31. Regulate the fines for neglect of duty by enlisted men of the National Guard of Delaware, and provide for their collection.

SEC. 32. Prohibits the misapplication of money or property furnished to the National Guard. Violation, a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding one year, or both.

SEC. 33. Provides for the disposition of military stores in armory of National Guard. Neglect to so deposit such property a misdemeanor, and subject to punishment by fine not exceeding double the value of the property detained or imprisonment for not less than two weeks nor more than two months, or both.

Following sections deal with the disbanding of companies and the care of equipments of such disbanded company, with courts-martial, with warrants for arrest, and with the collection of fines and penalties imposed.

Neglect to execute any process, or to make proper return of fines collected, is declared a misdemeanor: Penalty, fine of \$100 for each offense, for the use of the State.

SEC. 41–44. Deal with the duty of commanding officer, with the use of military force for public defense, and how it shall be regulated. Neglect of members of said National Guard to respond to call subjects to fines as follows: Each noncommissioned officer or private, not less than \$30 nor more than \$100, and each commis-

sioned officer, not less than \$100 nor more than \$1,000; and furthermore, the commission of a commissioned officer to be revoked.

SEC. 54. Provides for ordering the National Guard into service and the regulations of such service; prohibits intrusion or disorderly conduct by spectators. Violation subjects to arrest by commanding officer: Penalty, fine not less than \$10 nor more than \$50 and the costs of prosecution, and commitment until such fine and costs are paid.

SEC. 55. Provides for the administration of oaths. Any person falsely swearing or affirming to any oath is liable to punishment inflicted for perjury.

NOTE.—Former penalty for misappropriation of public property, fine not less than \$20 nor more than \$40.

Former penalty for neglect of rules laid down in section 28, fine not less than \$2 nor more than \$10. Former penalty for neglect by commissioned officer not to exceed \$50 or cashiered. Noncommissioned officer or private, fine not less than \$2 nor more than \$10.

Primary elections in Newcastle County (chap. 393, p. 375, approved May 27, 1897.)—Sections of this act define primary election and make provisions for holding such elections.

Failure to act by any person appointed to inspect primary elections subjects to a fine of \$200.

Failure of qualifier of primary election officers to take oath as provided a misdemeanor: Penalty, fine not exceeding \$100.

Any officer of election who steals, destroys, or defaces any books, return of votes, certificate, poll list, or document, a misdemeanor: Penalty, imprisonment in the county jail for a period not exceeding two years or fine of not more than \$200, or both. The same penalty applies to persons not holding office if guilty of the same offense.

Failure of inspectors to have the voting books of qualified voters for primary elections at the place of holding the primary elections, a misdemeanor: Penalty, imprisonment in the county jail for a period not exceeding ninety days, or fine not exceeding \$100, or both.

Failure of inspectors to return said voting books of qualified voters for primary elections as directed in section 20 of this act, a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment in the county jail not exceeding one year, or both.

Officers receiving illegal votes at primary elections, or refusing to receive the vote of any person entitled to vote at such primary elections, guilty of a misdemeanor; Penalty, fine not less than \$100, and imprisonment until fines, forfeitures, and costs are paid.

Voting illegally, receiving or soliciting reward, voting at primary election of more than one party, attempting any unlawful act, influencing voter or officer of election to do illegal act, interference with election or influencing election officer to neglect his duty, are misdemeanors: Penalty for every offense, imprisonment in the county jail for not more than two years or fine of not more than \$200, or both.

Neglect of the department of elections for the city of Wilmington or sheriff of Newcastle County to deliver voting books, a misdemeanor: Penalty, imprisonment in the county jail not exceeding one year or fine of not more than \$200, or both, with forfeiture of office.

SEC. 25. Prohibits taking intoxicating liquors into place of election. Violation, a misdemeanor: Penalty, fine not less than \$5 and not more than \$10.

SEC. 31. Prohibits entrance within place where primary election is in progress except to vote. Violation, a misdemeanor: Penalty for every such offense, fine of \$10.

SEC. 32. Provides for a watcher to be in the room where a primary election is held, and prohibits any attempt to exclude said watcher except he be removed for misconduct as hereinbefore provided. Violation, a misdemeanor: Penalty, fine of \$100 or imprisonment in the county jail not exceeding ninety days, or both.

SEC. 33. Provides the right to challenge vote and declares that oath may be required of voter. Challenging vote for delay or annoyance of voters is declared a misdemeanor: Penalty fine of \$100 or imprisonment in the county jail not exceeding six months, or both.

Elections.—An act to amend chapter 18 of the Revised Statutes. (Chap. 395, p. 398, approved April 16, 1897.)

Amended sections of this act deal with certificates of election, tally lists, board of canvass, delivery of certificates to said board of canvass by inspector, and sending of ballot boxes to board of canvass.

Refusal to deliver ballot boxes and certificates of election or to produce certificates and ballot boxes or neglect to ascertain vote shall subject to fine imposed by the board of canvass not exceeding \$100, with costs, and in default of payment commitment to the common jail of the county not exceeding sixty days.

Secrecy and purity of the ballot.—An act to further provide for the secrecy and purity of the ballot. (Chap. 396, p. 403, approved May 20, 1897.)

Section 1 of this act abolishes office of voter's assistant. Feigning physical defect for the purpose of obtaining assistance is declared a misdemeanor: Penalty, fine of \$100 and imprisonment not more than two years.

Sec. 3. Provides for the challenging of votes without disturbing the peace. Any person resisting such challenge is declared guilty of a misdemeanor: Penalty, fine not more than \$100 and may be imprisoned for a term not exceeding one year.

Sec. 7. Prohibits unlawful entering of voting room or interfering with election officers in the discharge of their duties. Violation, a misdemeanor: Penalty, fine not less than \$300 nor more than \$500 and imprisonment not exceeding three years.

Sec. 10. Prohibits giving any information concerning the appearance of any ballot voted. Violation, a misdemeanor: Penalty, fine of \$100 and imprisonment not less than one nor more than three years.

Sec. 11. Prohibits the commission of any unlawful act with regard to disclosing the nature of any vote. Violation, a misdemeanor: Penalty, fine not less than \$100 and may be imprisoned for a term not exceeding one year.

Sec. 12. Declares that if any person other than the election officers shall secrete himself in any part of the polling room during the hours of the election he shall be deemed guilty of misdemeanor: Penalty, fine not less than \$100, and may be imprisoned for a term not exceeding one year.

Sec. 13. Declares if any officer of election shall violate any of the provisions of this act in performance of his duty, for which no other punishment is now provided by law, he shall be deemed guilty of a misdemeanor. Penalty, fine not less than \$300 nor more than \$500, and may be imprisoned for a term not exceeding two years.

NOTE.—SEC. 1. Former penalty, fine not more than \$500, and imprisonment not more than two years.
SEC. 3. Challengers authorized by act of May 15, 1891, section 2. Section 17 of same act "if anyone's right to vote is challenged, he must stand aside." New feature, to give challengers power as peace officers.

Section 10. Former penalty, see under section 1.

Section 11. Former penalty, not more than \$500, and may be imprisoned not exceeding two years.

Section 13. Former penalty, fine not changed; imprisonment not exceeding three years.

Female employees.—An act for the better protection of female and other employees. (Chap. 452, p. 464, approved May 10, 1897.)

SECS. 1, 2, and 3. Provide certain accommodations for certain female employees; for seats for employees in stores; and for the heating of workrooms where females are employed. Violation of these provisions, a misdemeanor: Penalty, fine of \$10, and subjection to further penalty of \$10 for each day thereafter during which any corporation or person shall neglect to provide the accommodations mentioned.

Sec. 4. Prohibits abusive language or maltreatment of female employees. Violation, a misdemeanor: Penalty, fine not less than \$10 and not more than \$100 for each offense.

Sec. 6. Declares how prosecutions for violation may be instituted.

Sec. 7. Provides for female inspection of places of business where female labor is employed and defines duties of such inspector. Refusal of employer to give such inspector full and free access to his place of business or in any way to prevent performance of her duties is declared a misdemeanor: Penalty, fine of \$10 for each offense.

Cider.—An act in relation to the sale of cider within the Hundreds of Seaford and Northwest Fork, Sussex County. (Chap. 458, p. 472, approved May 13, 1897.)

Sec. 1. Prohibits selling of wine or cider without license in district named in act. Violation, a misdemeanor: Fine not less than \$100 nor more than \$300, or imprisonment not exceeding one year, or both.

NOTE.—Act of March 19, 1879, said: "Cider made from apples or pears alone, and unmixed with any intoxicating fluid or substance, shall not be held or taken to be intoxicating liquor within the meaning of the act aforesaid [supplement to the "act regulating the sale of intoxicating liquors] or any other law of this State."

Intoxicating liquors.—An act to amend chapter 418, volume 14, Laws of Delaware. (Chap. 459, p. 473, approved May 28, 1897.)

As amended prohibits sale of intoxicating liquors upon any public street, alley, road, or highway of the State of Delaware.

Violation, a misdemeanor: Penalty, fine not less than \$50 nor more than \$100, or imprisonment not more than sixty days nor less than thirty days.

Fishing.—An act in relation to fishing in Drummond's Mill Pond, otherwise known as Silver Lake, and Noxentown Mill Pond in Newcastle County. (Chap. 462, p. 475, approved May 10, 1897.)

Sec. 1. Prohibits fishing for the purpose of traffic in the waters named in act.

Violation a misdemeanor: Penalty, fine not less than \$10 nor more than \$25. Failure to pay fine subjects to imprisonment from one to three months in county jail.

Sturgeon.—An act for the protection of sturgeon. (Chap. 463, p. 476, approved May 19, 1897.)

SEC. 1. Prohibits catching or having in possession any sturgeon from the waters of Delaware Bay, the Delaware River, or their tributaries between June 30 and December 31 of any year.

Violation subjects to penalty of \$20 for each or every sturgeon so taken.

NOTE.—A special feature of section 1 is the time of closed season.

SEC. 2. Protects mammosse, or young sturgeon, under 3 feet in length at all times by fine of \$10 for every fish caught, or in default of fine thirty days in county jail.

Oysters.—An act for the protection of oysters in Murderkill River and in St. Jones River. (Chap. 464, p. 477, approved May 12, 1897.)

SEC. 1. Prohibits taking or catching oysters from waters named in act between April 15 and September 15 in any year.

SEC. 2. Prohibits sale of oysters to be transported through mouth of Murderkill and St. Jones rivers.

Violations of provisions of this act subjects to a fine of not less than \$20 nor more than \$30, with costs.

Watering troughs.—An act relating to public watering troughs for stock in White Clay Creek Hundred. (Chap. 479, p. 500, approved March 15, 1897.)

SEC. 1. Provides for erection of public watering troughs.

SEC. 2. Prohibits injury or wanton destruction of said watering troughs; also committing any nuisance upon or near the same.

Violation subjects to fine not exceeding \$20 and costs. Refusal to pay said fine and costs subjects to imprisonment not exceeding ten days.

Foreign corporations. (Chap. 513, p. 544, approved May 12, 1897.)

Sections of this act provide for filing of certificate of foreign corporations; for service of process against such corporations; for keeping of record of foreign corporations, and for agency thereof.

Foreign corporations are prohibited from engaging in or transacting business without first complying with provisions of this act.

Violation a misdemeanor: Penalty, fine not less than \$200 nor more than \$500 for each offense.

Any agent of any foreign corporation transacting business without complying with all the provisions of this act, is declared guilty of a misdemeanor: Penalty, fine not less than \$100 nor more than \$500 for each offense.

Obstructing canal.—An act to reincorporate the Lewes River (formerly Lewes Creek) Improvement Company. (Chap. 516, p. 548, approved April 29, 1897.)

Sections of this act regulate the incorporation of the Lewes River Improvement Company and define powers of said company relating to the deepening of the channel of Lewes River for the improved navigation of the same. Damage to the canal by obstruction or injuring improvement made is prohibited.

Violation, a misdemeanor: Penalty, fine of not more than \$500, and responsibility to said company in damages in a civil suit.

NOTE.—Former penalty for obstructing canal (amended revised code 1893, p. 938), fine not exceeding \$1,000, or may be held in civil suit to recover double damages.

Damage to railroad or electric property.—I. An act to incorporate the Dover and Bay Shore Railway Company. (Chap. 522, p. 560, approved May 7, 1897.)

Sections of this act appoint commissioners to procure subscriptions to capital stock of Dover and Bay Shore Railway Company, regulate the incorporation of said company, define object and purpose of the corporation, and provide for carrying said purpose into effect. Provision is also made for the official control and direction of the business of the Dover and Bay Shore Railway Company. The powers of the corporation with regard to furnishing light and electricity to towns are defined.

Willful damage to property of said company is prohibited.

Violation, a misdemeanor: Penalty, fine not exceeding \$200 or imprisonment not exceeding one year, or both.

NOTE.—Provisions of the act similar to those of "An act to incorporate the Henlopen Electric Light and Railway Company," passed May 1, 1895, excepting penalty, which is fine not exceeding \$300 or imprisonment not exceeding one year, or both, with right to bring civil suit.

II. An act to incorporate the South Side Railway Company. (Chap. 524, p. 569, approved May 14, 1897.)

Sections of this act appoint incorporators to procure subscriptions to capital stock

of the South Side Railway Company and regulate the official control and direction of the business of said company. Object and purpose of the company is defined and provisions made for carrying said purpose into effect.

Section 8 of this act declares that if any person shall willfully damage or obstruct the said railroad, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same, or damage any of the works or property of the said company, he shall be guilty of a misdemeanor: Penalty, fine not exceeding \$300.

NOTE.—Similar in provisions to preceding chapter, but penalty as stated in section 8 more severe by increase of fine and liability to double damages.

III. An act to incorporate the Newcastle, Newport and Wilmington Passenger Railway Company. (Chap. 525, p. 574, approved May 14, 1897.)

Sections of this act appoint commissioners to procure subscriptions to the capital stock of the Newcastle, Newport and Wilmington Passenger Railway Company, regulate the incorporation of said company, define object and purpose of the corporation, and provide for carrying said purpose into effect. Provisions are also made for the official control and direction of the business of the Newcastle, Newport and Wilmington Passenger Railway Company. The powers of the company with regard to furnishing light and electricity to towns, etc., are defined.

Section 10 of this act declares that if any person shall willfully damage or obstruct the said railway or any part thereof, or any of the works or property of said company, he shall be liable to the company in a civil action for double the damages sustained, and shall, moreover, be guilty of a misdemeanor: Penalty, fine not exceeding \$300.

Commissioners of said company are empowered to assess the damages sustained by owners whose property is appropriated to said company's use.

IV. An act to incorporate the Maryland and Woodland Beach Railway Company (Chap. DXXXVII, p. 582, approved May 28, 1897.)

Sections of this act appoint commissioners to procure subscriptions to the capital stock of the Maryland and Woodland Beach Railway Company, regulate the incorporation of said company, define object and purpose of the company, and provide for carrying said purpose into effect. Provisions are also made for the official control and direction of the business of the Maryland and Woodland Beach Railway Company. The powers of the company with regard to furnishing light and electricity to towns are defined.

Sec. 12. Declares that if any person shall willfully damage the property of said company he shall be guilty of misdemeanor: Penalty, fine not exceeding \$200, or imprisonment not exceeding one year, or both; and that said company shall have the right to full compensation in damages in a civil suit.

V. An act to incorporate the Delaware Fuel Company (Chap. DXXXII, p. 594, approved May 28, 1897).

Sections of this act appoint incorporators to secure subscriptions to the capital stock of the Delaware Fuel Company. Nature of business of said company is defined and direction and control regulated. Provision is made for acquiring land for use of corporation, damages to be assessed by commissioners.

Section 7 of this act declares that if any person shall willfully damage the property of said company, or hinder or delay the building of pipe lines or the passage of liquids, oils, or gases through the same, shall be liable to the company for double the amount of damages, sustained, and shall, moreover, be guilty of misdemeanor: Penalty, fine not exceeding \$300.

Taxation (chap. 381, p. 334, passed May 20, 1897).—Section 4 provides that the president and secretary of the corporations shall make returns to assessor on December 1 of each year.

Neglect of duty above misdemeanor: Penalty \$10 to \$500, or imprisonment from ten days to six months.

Sec. 6. The intention of this act being to tax the owners and investors of capital, and not the borrowers or debtors, therefore, every individual person, corporation, company, or association whatever, and every officer thereof, asking, demanding, contracting for or receiving any money or consideration whatever on account of said tax, in reduction thereof or otherwise, or who shall by any device whatsoever impose or try to impose such tax or any part thereof upon any debtor whomsoever, under any pretext whatsoever, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than \$100 nor more than \$1,000 and costs.

Taxation, Newcastle County (chap. 388, p. 344, approved May 29, 1897).—Neglect to pay poll tax after a second demand, with 30 cents additional for the cost of such demand, requires the collector to seize upon the body of such person and commit him to the jail of Newcastle County, there to remain until he shall pay such tax and all legal costs.

Ditches (chap. 467, p. 481, approved March 23, 1897).—Incorporates the "Isaac's Branch Ditch Company" for the opening and cleansing of ditches in West Dover Hundred, Kent County, and State of Delaware.

Section 7 authorizes the company to remove obstructions. Any person hindering the removal shall forfeit \$50 and cost of suit. For obstructing ditch he shall forfeit \$20 to \$100 for the use of said company to be tried before any justice of the peace.

Chapter 471, page 487, approved April 14, 1897, incorporates the Backbay Ditch Company. Penalty for obstructing ditch is from \$2 to \$20.

Chapter 474, page 493, approved May 5, 1897, incorporates "Salt Pond Ditch Company." Provision and penalty the same as above, namely \$2 to \$20.

Town of Clayton.—An act to reincorporate the town of Clayton. (Chap. 535, p. 601, approved March 17, 1897.)

In this act, which provides for regulating the duties and powers of the council of said town of Clayton, nonpayment by alderman removed from office to the treasurer of the town of all moneys in his hands makes said alderman guilty of misdemeanor: Penalty, fine not less than \$20 nor more than \$100.

Failure of alderman to report monthly and pay to the treasurer of the town of Clayton all fines and penalties received by him during the said time is declared a misdemeanor: Penalty, fine not less than \$20 nor more than \$100.

A fine of \$5 is imposed upon persons refusing to remove obstructions or nuisances in streets of Clayton within space of two days when so ordered, and \$1 additional for every day each obstruction or nuisance shall continue unremoved:

SEC. 19. If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of misdemeanor: Penalty, fine not less than \$10 nor more than \$100, and may be imprisoned for a term not exceeding one year.

NOTE.—Former penalty regarding removal of obstruction in streets, fine not less than \$5 nor more than \$20, with costs.

Town of Smyrna.—An act to reincorporate the town of Smyrna. (Chap. 537, p. 624, approved April 7, 1897.)

Provisions for reincorporating the town of Smyrna in this act do not differ from those of the preceding act providing for the reincorporation of the town of Clayton.

Penalties imposed upon alderman in town of Smyrna for failure of duty are the same as those imposed upon the alderman of the town of Clayton.

Refusal to remove obstructions or nuisances in streets of Smyrna subjects to same penalty as provided in town of Clayton for same offense.

Any constable in town of Smyrna failing in duty is subject to same penalty as imposed upon constable in town of Clayton failing in duty.

NOTE.—Section 20: See note on section 18, chapter 535.

Section 21: Formerly neglect of duty in certain cases a misdemeanor, subject to fine at the discretion of the court.

Incest.—An act to punish incest. (Chap. 577, 692, approved May 28, 1897.)

Section 1 of this act prohibits incestuous fornication or adultery, or intermarriage within the degrees of consanguinity or affinity according to tables established by law.

Violation, a misdemeanor: Penalty, fine not exceeding \$500 dollars and shall be imprisoned for a term not exceeding seven years; and all such marriages are declared void.

Table of degrees of consanguinity and affinity follow:

DEGREES OF CONSANGUINITY.

- A man may not marry his mother.
- A man may not marry his father's sister.
- A man may not marry his mother's sister.
- A man may not marry his sister.
- A man may not marry his daughter.
- A man may not marry the daughter of his son's daughter.
- A woman may not marry her father.
- A woman may not marry her father's brother.
- A woman may not marry her mother's brother.
- A woman may not marry her brother.
- A woman may not marry her son.
- A woman may not marry the son of her son or daughter.

DEGREES OF AFFINITY.

- A man may not marry his father's wife.
- A man may not marry his son's wife.

A man may not marry his son's daughter.
 A man may not marry his wife's daughter.
 A man may not marry the daughter of his wife's son or daughter.
 A woman may not marry her mother's husband.
 A woman may not marry her daughter's husband.
 A woman may not marry her husband's son.
 A woman may not marry the son of her husband's son or daughter.

NOTE.—Former penalty, fine \$500.

Former table included grandmother, grandfather's wife, and wife's grandmother.

Life insurance.—An act to amend, chapter 273, volume 19, Laws of Delaware. (Chap. 595, p. 713, approved March 16, 1897.)

As amended, section 2, of chapter 273, volume 19, Laws of Delaware, which prohibits discriminations by life insurance companies reads: "Any life insurance company, its agent or agents, violating section 1 of this act shall be guilty of a misdemeanor, and upon conviction thereof the offender or offenders shall be sentenced to pay a fine of \$500 or be imprisoned for a term of not less than one month nor more than six month on each and every violation where the amount of insurance is \$100,000 or less."

NOTE.—Former penalty: Fine of \$500 on each and every violation where the amount of insurance is \$25,000 or less, and for every additional \$25,000 or less there shall be an additional penalty of \$500.

Execution of criminals.—An act to amend chapter 133 of the Revised Code. (Chap. 599, p. 716, approved May 29, 1897.) As amended this act adds to the number of persons who may be present at the hanging of a criminal by admitting newspaper representatives having proper credentials from their paper, approved by the chief justice, resident judge, attorney-general or his deputy.

NOTE.—This in addition to "previous provision that not over thirty persons in all shall be present at such execution."

Taxation.—I. An act to amend chapter 381, volume 20, Laws of Delaware, entitled "An act to equalize taxation for State and county purposes." (Chap. 24, p. 40, approved May 25, 1898.)

Sections of this act provide for assessing investments of savings banks and other property. The duties of county treasurer are defined, also duties of assessors.

Failure or refusal to make assessment or returns subjects to penalty of fine not less than \$100 nor more than \$500, or imprisonment not less than ten days nor more than six months.

II. An act to equalize taxation for State and county purposes, chapter 381 of volume 20, as amended. (Chap. 25, p. 45, approved May 25, 1898.)

Sections of this act prescribe assessments for certain kinds of investments and declare how such assessments shall be made.

Section 5 declares that any officer of any corporation or association failing to make return or report of investments liable to taxation shall be guilty of a misdemeanor: Penalty, fine not less than \$10 nor more than \$500, or imprisonment not less than ten days nor more than six months.

Section 6 declares it a misdemeanor to permit the borrower to pay tax: Penalty, fine \$100 to \$1,000 and costs.

Following sections define duties and powers of assessors and collectors and provide for apportionment of moneys collected:

Returns must be made under oath administered by assessors.

Failure or refusal to make assessment or returns is declared a misdemeanor: Penalty, fine \$100 to \$500, or imprisonment not less than ten days nor more than six months.

NOTE.—Former penalty for failure to make assessment or returns, fine of \$40.

Registration of voters.—An act providing for a uniform system of registration of all qualified voters in this State. (Chap. 36, p. 69, approved May 27, 1898.)

Sections of this act declare how registration shall be effected and explain the term "disqualified;" provide form of oath and when to be administered, also by whom. False oath is declared to be perjury, and on conviction shall bar any prosecution under section 8, article 5, of the amended constitution.

Entries and certificates of registration are explained, registrar's duties and powers are defined, and form of registrar's bond presented.

Failure of registrar to pay over registration fees is declared a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment for a term not exceeding one year, or both such fine and imprisonment.

Bringing, taking, or ordering, or sending spirituous liquors into or drinking same in place of registration is prohibited. Violation a misdemeanor: Penalty, impris-

onment in the county jail for not more than ninety days or fine of not more than \$100, or both.

Fraudulent entries, changes, or alterations in books of registration is declared a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding three years, or both.

Any person causing himself to be wrongfully registered, or by intimidation or bribery interfering with registration of others, or making any assault, riot, or breach of peace is declared guilty of misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding three years, or both fine and imprisonment.

Loss of books by registration officers, destruction or mutilation of books, or false entries in register, a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding three years, or both fine and imprisonment.

Destruction or defacement of the alphabetical list of registered voters a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment not exceeding one year, or both fine and imprisonment.

NOTE.—Former penalty for bringing, taking or ordering, or sending spirituous liquors within two miles of place of election, \$20.

General elections.—An act in regard to general election. (Chap. XXXVIII, p. 94, approved June 1, 1898.)

Section 1 defines districts where general election shall be held. Other sections provide for the manner and method by which general elections shall be conducted and define powers and duties of inspectors.

Any person chosen to be a judge of an election who refuses to serve shall pay to the State a fine of \$50.

Section 15 provides that the inspector or other officer authorized by law to hold the election and judges of the election and the clerk shall be in a room by themselves. Any person entering such room without proper consent is declared guilty of a misdemeanor: Penalty, fine \$500 to \$1,000, or imprisonment one to two years, or both.

Any person interfering, molesting, or disturbing the election officers is declared guilty of a misdemeanor: Penalty, fine \$500 to \$1,000, and imprisonment for a term not exceeding three years.

Voters in Army or Navy.—An act to enable the qualified voters in the military or naval service of this State or of the United States to exercise the rights of suffrage. (Chap. 39, p. 134, approved June 25, 1898.)

Sections of this act provide for the manner and method of conducting elections for voters who are engaged in the military or naval service of this State or of the United States.

Section 16 declares that if any person shall at the elections herein provided for violate the election laws of this State by voting more than once at any election, falsifying the account or return in any manner, he shall be disfranchised for a period of ten years.

Elections, Wilmington.—An act creating a department of elections for the city of Wilmington. (Chap XL, p. 139, approved May 20, 1898.)

Sections of this act provide for the appointment of three persons of the city of Wilmington who shall constitute a department of elections for the said city of Wilmington, and prescribe the powers and duties of said department.

Refusal of any registrar to qualify or to refuse to perform any of the duties of his office subjects to fine of \$100.

Section 7 of this act declares that any member of the department of elections who neglects his duty or engages in any corrupt or fraudulent practice in the execution of his duty shall be deemed guilty of a misdemeanor: Penalty, imprisonment in the county jail for not more than two years or by fine of not more than \$200, or both.

NOTE.—Former penalty for refusing to qualify, \$200.

Public schools.—An act concerning the establishment of a general system of free public schools. (Chap. 67, p. 168, approved May 12, 1898.)

Sections 1 and 2 of this act provide for a State board of education, and define the duties and powers of such board.

Sections 3 to 11 provide for the supervision of all the free public schools of this State which shall be vested in a county school commission for each county, subject to the general supervision and control of the State board of education, and define in detail the powers and duties of said county school commission.

Sections 11 to 14 deal with the school districts of the State of Delaware and the school elections in said districts.

Illegal voting a misdemeanor: Penalty, fine of \$15.

Section 14 provides for meeting of school voters, and declares that the chairman or secretary of such meeting neglecting his duty for the space of one month shall be deemed guilty of a misdemeanor: Penalty, fine of \$50.

The making of fraudulent entries at a meeting is declared a misdemeanor: Penalty, fine not exceeding \$100.

Section 15 provides for a school committee to supervise and control the free public schools in each district in this State, subject to the general powers of the State board of education and the several county school commissions, and defines the powers and duties of such school committee.

Misappropriation of any funds belonging to the school district, a misdemeanor: Penalty, fine \$20 to \$500, with costs of prosecution. Failure to pay such fine and costs subjects to imprisonment three months to two years.

Section 16 provides for selection of teachers, for a flag to be displayed on school buildings, for map of the United States to be exhibited in each schoolhouse, and for instruction in physiology and hygiene.

Any teacher failing to instruct pupils according to these provisions is liable to a fine of \$25.

Employing teachers who do not hold an unexpired certificate from the county superintendent subjects to penalty of having withheld the State appropriation for the year such teacher is employed.

Following sections provide for the securing of sites for schoolhouses, holding of school property and levying of school tax.

Refusal of collector of county taxes to act as directed subjects to fine of \$100.

Regulations with regard to school text-books and distribution of same are provided for.

Appointment of superintendent of schools and teachers, and qualifications of said superintendent and teachers, regulated by further provisions of this act.

Oysters—I. An act to further protect oysters in Broadkill River and Sound and in Millipillon River and in Leipsic River and Simon's Creek. (Chap. 87, p. 225, approved March 17, 1898.)

Section 1 limits the number of bushels of oysters to be taken for home consumption and exacts a license of \$5 from every person who catches oysters for market.

Violation of provisions of this act a misdemeanor: Penalty, fine \$20 and costs, and forfeiture of boat, cart, or wagon. Failure to pay fine subjects to term of imprisonment in county jail not less than twenty days nor more than thirty days.

Section 2 prohibits catching of oysters in rivers named for the purpose of planting.

Violation, a misdemeanor: Penalty, fine not less than \$25 nor more than \$50. Failure to pay fine subjects to imprisonment in county jail for not less than twenty days nor more than thirty days.

Section 3 prohibits catching oysters for market in said rivers and creek without payment of a license of \$20.

Violation, a misdemeanor: Penalty, fine not less than \$20 nor more than \$40 and costs. Failure to pay fine subjects to imprisonment for not less than thirty days nor more than forty days.

NOTE.—Former penalty for catching oysters without license, fine not less than \$20 nor more than than \$30, with costs. Section 3 of the act is new.

II. An act to amend chapter 464, volume 20, Laws of Delaware, entitled "An act for the protection of oysters in Murderkill River and in St. Jones River." (Chap. 88, p. 227, approved May 19, 1898.)

As amended this act prohibits taking or catching oysters from rivers named between April 1 and September 15 of any year, and declares it unlawful to sell oysters caught in rivers named between the first and fifteenth days of September, inclusive.

Violation subjects to penalty provided in section 3, chapter 464, volume 20, Laws of Delaware.

NOTE.—Amendment changes closed season. Formerly April 15 to September 15.

Bread.—An act regulating the weight of bread sold in loaves by the bakers or manufacturers thereof, and by other persons. (Chap. 92, p. 231, approved June 1, 1898.)

Section 1 declares that all loaves of bread shall weigh at least 1 pound.

Section 2 declares that any baker or manufacturer of bread selling loaves that weigh less than 1 pound shall be guilty of a misdemeanor: Penalty, fine not less than \$5 nor more than \$25, and upon default of payment of fine, imprisonment in the county jail not exceeding thirty days.

Mileage.—An act to amend chapter 225, volume 18, Laws of Delaware, passed at Dover April 20, 1887, relating to mileage and fees of officers. (Chap. 127, p. 271, approved February 9, 1898.)

As amended prohibits mileage to officers as witnesses; also prohibits more than one witness fee to officers serving warrant, conveying to jail, or committing to prison.

Further amendment, chapter 92 of volume 12 of the Laws of Delaware, reduces term of imprisonment from sixty days to ten days.

Records of levy court.—Chapter 22, page 33, passed March 19, 1898, relates to the reorganization of the levy court of Kent County, and provides that records shall be deposited with the clerk of the peace of said county and held subject to the control of the levy court commissioners. Neglect or refusal to surrender books a misdemeanor: Penalty, fine \$500 and imprisonment to one year, or until records and books are delivered.

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Felonies and misdemeanors.—Any crime punishable by death or imprisonment in the State prison is a felony, and no other crime shall be so considered. Every other offense is a misdemeanor. (R. S. 1892, sec. 2352.)

NOTE.—Unless imprisonment is expressly stated to be in State prison, it is held to be in the county jail.

The word "crimes" includes all misdemeanors.

Tax assessors (chap. 4515 (No. 1), p. 3, approved June 1, 1897).—Duties of assessor, county commissioners, and county treasurer defined, and form of warrant given.

Failure of tax assessor from any other cause than sickness to do the duties and assess the taxes in the manner prescribed in this act a misdemeanor: Penalty, upon conviction, a fine not less than \$50 nor more than \$2,500, or imprisonment in the county jail not more than two years.

NOTE.—Amends previous laws. The words added are "From any other cause than sickness." Penalty unchanged.

Forging doctors' certificates (chap. 4525 (No. 11), p. 53, approved June 5, 1897).—Section 1 prohibits falsely making, altering, forging, or counterfeiting any doctor's certificate or record of examination to an application for a policy of insurance.

Violation, a forgery: Penalty, upon conviction, imprisonment in the State penitentiary not exceeding five years, or fine not exceeding \$500.

NOTE.—This is an application of chapter 2479, Revised Statutes, 1892, but with changed penalty. Former penalty, imprisonment not exceeding ten years, or in county jail not exceeding one year.

Embezzlement by public officers.—An act to amend section 2463 of the Revised Statutes of the State of Florida, relating to embezzlement by public officers, and to define and declare what is prima facie evidence thereunder. (Chap. 4530 (No. 16), p. 57, approved June 3, 1897.)

Embezzlement defined. Penalty for such crime, imprisonment in the State prison not exceeding twenty years, and fine equal to the value of the money, property, or effect converted, secreted, or withheld by the embezzlement.

NOTE.—Penalty unchanged.

Trespass on farms and gardens.—An act to amend section 2517 of the Revised Statutes, relating to trespasses on farms, gardens, etc. (Chap. 4531 (No. 17), p. 58, approved June 4, 1897.)

Section 1 prohibits taking and carrying away from any farm, garden, orchard, orange or lemon grove, or the destroying of any farm products, vegetables, fruits or flowers, corn or cotton from the stalk, or from any vineyard any grapes of any money value, without the consent of the owner and manager.

Violation, punishable by imprisonment not exceeding three months or by fine not exceeding \$50, or by both such imprisonment and fine, at the discretion of the court.

NOTE.—Former penalty, imprisonment in the State prison not exceeding three years, or fine not exceeding \$500.

Dangerous weapons.—An act to punish the improper exhibition of dangerous weapons. (Chap. 4532 (No. 18), p. 59, approved May 29, 1897.)

Section 1 prohibits having or carrying any dirk, dirk knife, sword, sword cane, gun, pistol, or other deadly weapon, or the exhibition of the same in a rude, angry, or threatening manner, not in necessary self-defense.

Violation, subject to penalty by imprisonment not exceeding three months, or by fine not exceeding \$100, or by both such fine and imprisonment.

NOTE.—Former penalty, imprisonment not exceeding six months, or fine not exceeding \$100.

Horse and cattle stealing.—An act to fix a penalty for horse and cattle stealing. (Chap. 4533 (No. 19), p. 59, approved June 5, 1897.)

SEC. 1. Prohibits the larceny of any horse, mule, mare, filly, colt, cow, bull, ox, steer, heifer, or calf which is the property of another.

Violation, subject to a penalty by imprisonment in the State prison not less than two years nor more than five years for first offense.

Penalty for second violation, imprisonment in the State prison not less than five years nor more than twenty years.

NOTE.—Former penalty, imprisonment in State prison not exceeding two years, or fine not exceeding \$500. For second offense, imprisonment in State prison not exceeding twenty years or in the county jail not exceeding one year.

Trusts.—An act to prohibit arrangements, contracts, agreements, trusts, or combinations, and certain other acts or things intended or intending to prevent, hinder, or obstruct the lawful sale of Florida-fed beef or other beef or fresh meat, or cattle, or other eatable animal in this State, or tending to monopolize or control the sale or price thereof. (Chap. 4534 (No. 20), p. 60, approved June 11, 1897.)

Violation of provisions of this act declared to be destructive of full and free competition and a conspiracy against trade.

Penalty, on conviction, a fine of not more than \$5,000, or by imprisonment for not more than one year, or both such fine and imprisonment.

Primary elections.—An act to regulate the holding of political primary elections in the State of Florida for the nomination of delegates to political conventions, or of candidates for any elective office under the laws of this State. (Chap. 4535 (No. 21), p. 62, approved June 11, 1897.)

Manner and method of notice to voters, requirements to vote, declaring members of party, right to challenge, report and examination of ballots stated in sections 1 to 5, inclusive.

Voting of any person not entitled to vote under provision of this act, or in any manner disturbing the proceedings of election, or attempt to bribe, a misdemeanor.

Penalty, on conviction, fine not less than \$10, or sentence to hard labor for the county not more than three months, or one or both at the discretion of the court.

Inspectors violating their duty as prescribed in section 8 shall be held guilty of perjury. Penalty, according to laws of the State for crime of perjury.

Refusal by executive or election committee to call primary election when petitioned by a majority of the qualified electors is declared a misdemeanor.

Penalty, upon conviction, imprisonment in the county jail not less than thirty days nor more than ninety days.

Registration of voters.—An act to amend sections 12 and 55 of the laws of the State of Florida, chapter 4328, providing for the registration of all legally qualified voters in the several counties of the State, and providing for general and especial elections, and for the returns of elections, approved May 25, A. D. 1895. (Chap. 4536 (No. 22), p. 65, approved May 31, 1897.)

Section 12 as amended provides for the publication of a certified list of the registered and qualified electors of each election district.

Section 55 as amended prohibits the showing of ballots or the attempt to take or remove ballots from the polling place before the close of the polls; also marking upon ballots so that they may be identified; also unduly influencing any elector in the preparation of his ballot.

Violation, a misdemeanor. Penalty, upon conviction, a fine of not less than \$10 nor more than \$100, or imprisonment not more than three months, and rejection of ballot so marked.

NOTE.—Section 55: Former penalty, fine not less than \$10 nor more than \$100.

Use of money for political purposes by corporations (chap. 4538 (No. 24), p. 72, approved June 2, 1897).

Section 1 prohibits corporations from contributing money for the purpose of influencing legislation.

Violation of this act subject to penalty by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in the State prison for a period of not less than two nor more than five years, or by both such fine and imprisonment.

Section 3 declares that such violation by any officer, employee, agent, attorney, or other representative of a corporation shall be evidence that such representative is acting for and in behalf of such corporation.

Section 4 provides punishment as in section 1 of this act for any person or persons who shall aid, abet, or advise a violation of this act, declaring that person guilty of a felony.

Temporary certificates for medical practitioners.—An act to prescribe the mode of issuing temporary certificates of qualification by the boards of medical examiners, defining the duties of the members and secretaries of the same, and prescribing a punishment for a breach thereof. (Chap. 4540 (No. 26), p. 74, approved June 5, 1897.)

Section 1 authorizes any member of the several boards of medical examiners in this State to grant a temporary certificate of qualification to any applicant desiring to practice medicine in this State.

Section 2 defines the duty of member granting temporary certificate.

Violation subject to penalty of a fine of not more than \$100, or imprisonment for not more than sixty days, or by both such fine and imprisonment.

NOTE.—Revised Statutes, chapter 808, recognize temporary certificates, but without the guards of section 1 or the penalty of section 3; so that while this act may be held an amendment of Revised Statutes, chapter 808, it is virtually so by substitution.

Adulteration of candy (chap. 4546 (No. 32), p. 77, approved June 4, 1897).—Section 1 prohibits manufacture of adulterated candy.

Violation subject to penalty of fine not exceeding \$100 nor less than \$50. Candy so adulterated to be forfeited and destroyed under direction of the court.

Sampling of phosphate.—An act providing for the appointment of official samplers of phosphate at the several ports where phosphate is shipped in the State of Florida, defining the duties of such official samplers of the railroad, terminal, and other companies and persons; fixing the fees and the manner of collection and payment thereof; forbidding sampling of phosphate at ports of other persons; empowering the appointment of deputies, and prescribing penalties for violation of the provisions of this act. (Chap. 4547 (No. 33), p. 78, approved May 18, 1897.)

Violation of any of the provisions of this act, except as defined in the various sections, is a misdemeanor. Penalty, a fine not exceeding \$1,000, or imprisonment in the county jail not exceeding one year, or by both fine and imprisonment.

NOTE.—Section 1: Formerly governor, comptroller, and the attorney-general constituted a board of phosphate commissioners. (See Laws of 1891, p. 74.)

Regulation of railroads.—An act to provide for the regulation of railroad schedules, freights, express, sleeping-car, and passenger's tariffs, and building of freight and passenger depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freight, and to prohibit railroad companies, corporations, persons, and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same; and to prescribe a mode of procedure and rules of evidence in relation thereto; and to provide for the appointment and election of commissioners, and to prescribe their duties and powers. (Chap. 4549 (No. 35), p. 82, approved May 8, 1897.)

Duties of railroad commissioners and requirements of railroad companies defined.

Violation or disregard by any railroad company doing business in this State is subject to penalty, for each offense, of not less than \$100 and not more than \$5,000.

Selling of liquors.—An act to amend section 2634, of article 14, chapter 7, of the Revised Statutes of the State of Florida, relating to the selling of liquors in counties or precincts voting against such sales. (Chapter 4551 (No. 37), p. 95, approved June 2, 1897.)

Section 2634 as amended prohibits the selling of liquors in counties or precincts voting against such sale, providing a penalty therefor of imprisonment not exceeding twelve months, or less than three months, or by fine of not more than \$1,000 nor less than \$500, or by both fine and imprisonment. Any sheriff, deputy sheriff, constable, or police officer who shall refuse to perform his duty in making search for liquors sold in counties or precincts where prohibited shall be fined not less than \$50 and shall forfeit his commission as such officer.

NOTE.—New features: First, power of search; second, increase of penalty; third, liability of officer to fine and forfeiture of commission.

Desertion of wife and children (chap. 4553 (No. 39), p. 97, approved June 5, 1897).—Section 1 declares that any man who shall in this State desert his wife and children, or his wife where there are no children or child, or who shall withhold from them the means of support, without there existing at the time of such desertion such causes as are recognized as grounds for divorce in this State, shall be deemed guilty of a misdemeanor: Penalty, punishment by imprisonment in the county jail

not exceeding six months, or fine not exceeding \$500, or both such fine and imprisonment.

NOTE.—Revised Statutes, chapter 1480, page 7, makes willful, obstinate, and continued desertion for one year a ground for divorce.

Classification of sawn pitch pine timber.—An act to amend section 6 of an act entitled "An act to regulate the classification of sawn pitch pine timber, and to punish the false classification thereof," approved May 30, 1895. (Chap. 4556 (No. 42), p. 99, approved June 3, 1897.)

Section 6 of the act, as amended, prohibits false representation of or failure to show on certificate of inspection the classification of sawn pitch pine timber.

Violation, subject to penalty of fine not exceeding \$100, or imprisonment not exceeding thirty days.

NOTE.—Cancels the proviso, "such classifications need not be made unless it is requested by the owner of the timber."

Artificial growth of sponges.—An act to protect and encourage the artificial growth of sponges within the waters of the State of Florida, and conceding certain riparian rights to those engaged therein, and to prescribe a license in certain cases. (Chap. 4564 (No. 50), p. 106, approved May 12, 1897.)

Sections of this act provide for the growth of sponges within the waters of the State of Florida, within fixed limits; not, however, interfering with right to fish for fish or oysters in or upon said lands.

Penalty for breaking down signs, fences, gates, inclosures, or stakes placed for the purpose of defining and protecting waters used for sponge culture, imprisonment in county jail for a period not to exceed six months, or fine not to exceed \$500.

Section 7 of this act demands an annual State license from any person not a citizen of the United States who shall engage in the business of sponge fishing.

Violation subjects to penalty of fine not to exceed \$50, or imprisonment in county jail for a period not to exceed sixty days.

Owners of bottles, siphons, etc.—An act to protect the owners of bottles, boxes, siphons, fountains, tins, or kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or medicines, medical preparations, perfumery, oils, compounds, or mixtures. (Chap. 4584 (No. 70), p. 126, approved June 5, 1897.)

The use of any bottle, box, siphon, fountain, tin, or keg used in the sale of beverages as mentioned in this act that has been marked or branded as provided for in section 1, or the wanton destruction of the same, is prohibited.

Violation a misdemeanor: Penalty, for first offense, imprisonment not less than ten days nor more than one year, or fine of 50 cents for each and every bottle, box, siphon, fountain, tin, or keg so used or destroyed, or both such fine and imprisonment. For each subsequent offense, a penalty of imprisonment for not less than twenty days nor more than one year, or fine of not less than \$1 nor more than \$5 for each and every bottle, etc., sold or destroyed.

Landing sick seamen or paupers.—An act prescribing a penalty for landing sick seamen or paupers in the seaports of the State of Florida. (Chap. 4593 (No. 79), p. 135, approved April 3, 1897.)

Section 1 forbids the master or commander of any ship or vessel to land sick seamen or paupers in any port of the State of Florida.

Violation, a misdemeanor: Penalty, fine of not more than \$100 or imprisonment of not more than sixty days, or by both such fine and imprisonment.

Forest fires in Santa Rosa County.—An act to regulate the burning of woods and forests in Santa Rosa County, Fla. (Chap. 4598 (No. 84), p. 140, approved May 31, 1897.)

The burning of any wild forests or woods in the county of Santa Rosa, Fla., is prohibited in section 1, except by owner of such land, who shall take proper precaution in so doing, and notify all persons living within 1 mile of the place intended to be fired.

Violation a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment in county jail not exceeding ninety days, or by both such fine and imprisonment.

NOTE.—Section 1: Closes the year for that county, General Statutes, chapter 2527, except between February 15 and March 31.

Section 2: Penalty in General Statutes, chapter 2527, for burning wild woods, imprisonment not exceeding sixty days, or fine not exceeding \$100.

Obstructing West Pitman Creek.—An act to declare navigable West Pitman Creek, in Holmes County, and to fix a penalty for obstructing the same. (Chap. 4612 (No. 98), p. 159, approved June 5, 1897.)

Obstruction of said creek subject to penalty of fine not exceeding \$500, or three months in jail, or both such fine and imprisonment.

License tax for express companies.—An act requiring a special license tax to be paid by express companies doing business in the State of Florida. (Chap. 4616 (No. 102), p. 164, approved June 4, 1897.)

Violation of provisions of this act a misdemeanor: Penalty, fine of not less than \$50, or imprisonment in county jail not less than six months.

NOTE.—Act of June 10, 1891, provides that express company shall pay tax of \$1,500 per annum and no county license.

Agent acting before payment of tax subject to penalty of fine not less than \$50, or imprisonment in the county jail not more than six months.

Municipal elections, Key West.—An act to provide for the municipal officers of the city of Key West, a municipal corporation existing in the county of Monroe, Fla.; to prescribe their terms of office, provide for their election and appointment, and regulate their compensation, and to repeal sections 2 and 3 of chapter 3966, Laws of Florida, and amendments thereto. (Chap. 4635 (No. 121), p. 189, approved June 3, 1897.)

In sections of this act providing for the election of said municipal officers, any person who shall falsely make or fraudulently destroy any certificate of nomination is declared guilty of felony: Penalty, imprisonment in the penitentiary not less than one nor more than five years.

Furthermore, the destruction or defacement of any booth or compartment, or any convenience provided for the purpose of enabling the elector to prepare his ballot, or any card printed for instruction of electors, is a misdemeanor: Penalty, fine of not less than \$10 nor more than \$500.

Section 30 of this act declares that any person making a false declaration to any elector applying for assistance in the preparation of his ballot as provided in section 28 is guilty of felony: Penalty, imprisonment in penitentiary for a term not to exceed one year.

Violation of the law with regard to the marking of ballots for identification as herein prescribed is a misdemeanor: Penalty, fine of not less than \$10 nor more than \$100.

Section 36 declares that any officer failing to perform his duty at time of election is guilty of a misdemeanor, and upon conviction shall be subject to penalty of fine not less than \$50 nor more than \$500.

Section 38 declares that any person, when summoned or called upon by a police officer, who shall fail or refuse to assist him in maintaining the peace and good order at the polls, shall be deemed guilty of a misdemeanor: Penalty therefor, a fine not exceeding \$250 or imprisonment in county jail not to exceed six months. Also that any police officer or other person who shall willfully neglect or refuse to perform any duty imposed upon him by this act at the time or within the time herein specified shall be deemed guilty of a misdemeanor: Penalty, fine of not more than \$100 or imprisonment in county jail not more than six months, or by both such fine and imprisonment.

Section 39 provides for the closing of barrooms and saloons on election day, and declares that any person who shall be convicted of violation of this section shall be punished by fine of not less than \$100 nor more than 200 or by imprisonment in the county jail not to exceed three months.

NOTE.—New features: Change of government by board of nine commissioners appointed by the governor to such offices as are mentioned in sections 1 and 2 of this act.

Section 39: Former penalty, fine not exceeding \$100 or imprisonment not exceeding three months, or both fine and imprisonment.

Municipality of Belleair.—An act to establish the municipality of Belleair, provide for its government, and prescribe its jurisdiction and powers. (Chap. 4649 (No. 135), p. 268, approved June 1, 1897.)

Sections 5 and 6 of article 3, relating to city council, prohibit certain appropriations of money or credit by mayor and city council of said city of Belleair, and limit the rate of taxation therein.

Sec. 7. Violation of provisions of two preceding sections by any mayor, councilman, officer, or employee of said corporation is a misdemeanor: Penalty, fine of not less than \$25 or imprisonment in county jail not less than one day, or both such fine and imprisonment.

NOTE.—New with regard to penalty.

Town and city charters.—In the laws of 1897 Florida has passed various acts incorporating cities or amending their charters. In these acts powers are conferred upon the mayor, council, and local authorities to establish order and regulate

municipal affairs. It is provided, however, in the charter of the city of St. Augustine, No. 122, page 105, article 6, section 3, paragraph 19, that no fine or penalty imposed shall exceed \$250; no term of imprisonment imposed shall exceed sixty days. With the sentence of imprisonment there may be coupled a sentence of labor on the streets, lanes, and public parks of the city.

The act organizing a city government in Daytona, chapter 4640 (No. 126), page 229, section 77, authorizes the city to inflict fine and punishment to the extent of \$500, or imprisonment to sixty days. The same powers and limitations are indicated in the act incorporating the town of Milton, chapter 4656 (No. 142), page 285, section 18.

GAME LAWS.

Fish (chap. 4557 (No. 43), p. 99, approved May 29, 1897).—The sections of this act prohibit the taking or catching of any food fish in any of the waters of the State of Florida with seine or nets other than those herein prescribed as to length and size of meshes. Closed season defined.

SEC. 5. Violation, subject to fine of not exceeding \$500 or imprisonment in the county jail not exceeding three months, or both.

NOTE.—Section 1, making it unlawful to stop rivers and creeks for the purpose of catching fish; same as section 1, chapter 4343, 1895.

Section 2, as to length of nets, new.

Section 3, substantially the same as Revised Statutes, chapter 2760.

Section 4: Close season (Revised Statutes, chapter 2767), February to September, inclusive.

Section 5: Penalty more severe than formerly.

As to mullet, in act of March 7, 1881, no closed season; fishermen could use "any seine they may see proper."

Seining and netting.—An act for the protection and preservation of food fishes in the fresh-water rivers, creeks, bayous, or streams in the State of Florida, and to prevent the hauling or dragging of seines or nets therein. (Chap. 4558 (No. 44), p. 100, approved June 4, 1897.)

Sections of this act prohibit the stopping of any of the fresh-water rivers, creeks, bayous, or streams in the State of Florida with seines or nets, or hauling the same in said waters. Not intended to operate to prevent the catching of shad as at present allowed, or prevent use of seine on occasions of public dinners or picnics, for consumption of food only.

Duty of sheriffs with regard to arrests for violation defined; declaring forfeiture of seines, nets, boats, etc., used at the time of arrest in violating this act.

Violation of provisions of this act, subject to penalty of fine not exceeding \$100 or imprisonment in county jail not to exceed ninety days.

NOTE.—Section 1: New feature, all nets forbidden.

Section 2, act of March 7, 1881; section 3 makes penalty \$40 to build any pound dike or purse net for the capture of food fishes.

Act of May 22, 1893, forbids all nets within 1 mile of any pass or inlet, or continuation thereof, from the Atlantic Ocean into any inland waters of this State, or in any of the tributaries of the river emptying into the Atlantic Ocean.

Section 5: New feature, boats, etc., sold for the benefit of county school fund.

Section 6: New feature, exception of sturgeon.

Homosassa River.—An act to prohibit the catching or taking of fish with gill nets or seines from the waters of the Homosassa River and its tributaries. (Chap. 4559 (No. 45), p. 101, approved June 5, 1897.)

Violation of this act a misdemeanor: Penalty, imprisonment not exceeding forty days or fine not exceeding \$100, or both.

Lake Worth.—An act to prohibit fishing in the waters of Lake Worth and its tributaries. (Chap. 4560 (No. 46), p. 102, approved June 3, 1897.)

Time of exception allowed.

Violation a misdemeanor: Penalty, fine of not more than \$100 nor less than \$50, or imprisonment in county jail for not less than sixty days nor more than ninety days.

NOTE.—Former penalty, fine not less than \$25 nor more than \$50, or imprisonment not less than thirty days nor more than sixty days.

Osceola County.—An act to regulate the taking of fish in the waters of Osceola County, State of Florida. (Chap. 4561 (No. 47), p. 103, approved June 3, 1897.)

Violation of provisions of this act subject to penalty of fine not less than \$100 nor more than \$500 or imprisonment in county jail not less than ninety days nor more than twelve months, or by both such fine and imprisonment.

NOTE.—Former penalty, not exceeding \$100 or imprisonment not exceeding sixty days, or both.

Various creeks, bays, etc.—An act regulating the means and method of capturing food-fishes in the waters of the New Smyrna Inlet, Hillsboro River, Mosquito

Lagoon, Halifax River, Spruce, Tomoka, Bulow, and Smith creeks, and the bays and tributary waters thereof on the east coast of Florida, and providing for the punishment of persons violating the same, and appointing a fish warden, and providing for the escheat of property and appliances, and disposing of the proceeds of same. (Chap. 4562 (No. 48), p. 104, approved June 3, 1897.)

Violation of provisions of this act a misdemeanor: Penalty, fine of not less than \$10 nor more than \$50, or imprisonment not less than ten nor more than sixty days, with escheatment of all property found in use in violation of this law.

NOTE.—Enlarges scope of act of May 27, 1895. Former penalty, not less than \$25 nor more \$50, or imprisonment not less than thirty days nor more than sixty days. New feature, section 3, "Fish warden."

Fish and game wardens.—An act for the appointment of fish and game wardens in the various counties of the State of Florida. (Chap. 4563 (No. 49), p. 105, approved June 5, 1897.)

Sections of this act provide for appointment of fish and game wardens in the State of Florida, and define the duties and powers of said wardens.

Failure of wardens to take cognizance of violation of any of the fish and game laws of this State subjects them to penalty of fine of not exceeding \$50, or in default thereof commitment to county jail for sixty days.

GEORGIA.

1897.

Felony and misdemeanor defined (4304).—The term felony means an offense for which the offender, on conviction, shall be liable to be punished by death or imprisonment in the penitentiary, and not otherwise (589a, 203; 39-85). Every other crime is a misdemeanor. (Code 1895, Vol. III, p. 2.)

Punishments.—Every crime declared to be a misdemeanor is punishable by a fine not to exceed \$1,000, imprisonment not to exceed six months, to work in the chain gang on the public works or on such other works as the county authorities may employ the chain gang not to exceed twelve months. And any one or more of these punishments may be ordered in the discretion of the judge: *Provided*, That nothing herein contained shall authorize the giving this control of convicts to private persons, or their employment by the county authorities in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor. (Code 1895, Vol. III, p. 292, sec. 1039 (4310).)

Failure to pay commutation tax or fine.—An act to amend section 580 of the first volume of the Code of 1895 by adding thereto the following words: "If the authorities trying the case impose a fine upon the person convicted it may be with the alternative of other punishment allowed by this section in case said fine is not paid," and for other purposes. (No. 281, p. 19, approved December 21, 1897.)

As amended, section 1 declares that any person who has failed or refused to pay the commutation tax when demanded by the officer in authority, or who shall fail or refuse to appear at the time and place appointed to work when summoned by the officer whose duty it is to give said summons, or who shall fail or refuse to do faithful work as ordered by the officers in charge, shall be fined not less than \$1 nor more than \$5 for each day he fails to work, or be imprisoned in the common jail, or be sentenced to work in the chain gang for not longer than ninety days. If the authorities trying the case impose a fine upon the person convicted it may be with the alternative of other punishment allowed by this section in case said fine is not paid.

Hunting on uninclosed land.—An act to amend section 221 of the Code of Georgia of 1895, which provides for the punishment of hunting on inclosed land, so as to make the provisions of said section apply also to uninclosed lands. (No. 371, p. 36, approved December 21, 1897.)

As amended, hunting with dogs, firearms, or other implements in any inclosed or uninclosed land after being forbidden so to do by the owner thereof is prohibited. Violation, a misdemeanor.

NOTE.—Former penalty, fine not to exceed \$50 or imprisonment not to exceed thirty days for each offense. (See acts of 1874, 1878, and 1882.)

Owners of billiard and pool tables, etc.—An act to amend section 413 of the penal code of Georgia of 1895, which provides for the punishment of any owner or

owners or persons controlling any billiard table or tenpin alley in this State who shall or may permit any minor to play or roll on the same without the consent of the parent or guardian, so as to make said section apply to any owner or owners or persons controlling any pool table in this State, by adding after the words "billiard table" and before the words "or tenpin alley," in the second line of said section 413, the following words, to wit, "pool table," and for other purposes. (No. 287, p. 37, approved December 16, 1897.)

As amended, minors are prohibited from playing on any pool or billiard table or tenpin alley without the consent of the parent or guardian.

Violation by owner or owners of billiard and pool tables or tenpin alleys subjects to fine of \$100 for each offense or imprisonment for twenty days, or both.

Sunday trains.—An act to amend section 420 of the Code 1895 by inserting at the end of said section the following words: "to trains on railroads where the line of said railroad begins and ends in another State, and does not run a distance greater than three miles through this State," and for other purposes. (No. 138, p. 38, approved November 30, 1897.)

Running freight trains, excursion trains, or other trains than the regular trains run for the carrying of the mails or passengers on the Sabbath day is prohibited, except live-stock trains, freight trains not arriving later than 8 o'clock Sunday a. m., fruit trains, and trains as mentioned in the title.

Violation by officer having charge of the business of that department of the railroad is a misdemeanor.

Provisions are made to exempt certain trains.

NOTE.—Act of February 11, 1850, makes conductor liable to fine not exceeding \$500.

Examination of private banks.—An act to provide for the examination of private banks by the bank examiner of the State, to compel the making of statements as now required of incorporated banks, to provide for punishment, a penalty for failure or refusal to comply therewith, and for other purposes. (No. 356, p. 59, approved December 21, 1897.)

Penalties for violation of provisions subjecting private banks to examination by State examiners are the same as those provided for in section 1913 of the Code of Georgia. Failure to comply with the provision compelling making of statements as now required of incorporated banks is declared a misdemeanor. Penalty as prescribed in section 1039 of the Code of Georgia. Penalty for misdemeanor, fine not exceeding \$1,000, imprisonment not exceeding six months, work on chain gang not to exceed twelve months; one or more, at the discretion of the judge.

NOTE.—New feature: Unincorporated banks subject to examination. Penalty for noncompliance, \$50 for each violation.

Diversion of electric current.—An act to protect companies engaged in the manufacture of electricity in this State for lighting or power purposes in the use of apparatus employed in generating, transmitting, measuring, or using the same, to prevent persons from unlawfully diverting and using such electric current, to prescribe a penalty for the violation of the provisions of said act, and for other purposes. (No. 367, p. 69, approved December 21, 1897.)

Section 1 of this act prohibits injury to property belonging to any company engaged in the manufacture or sale of electricity for lighting or power purposes; also interfering with meter or diverting current. Penalty for violation as provided above in section 1039, of volume 3, of the code of 1895.

Promissory notes for patents, etc.—An act requiring all promissory notes, or other contracts taken for the purchase price of any patent, copy or proprietary right, or territory for the sale of such right, or any patented thing or article, when sold by any peddler, agent, or traveling salesman, traveling for the purpose of making sales of such articles, to have expressed in the face of such notes or contracts the article or thing for which the same was given, and to render such notes or contracts void without so doing, and providing that all purchasers of such notes or contracts, where the consideration is so expressed, and whether before due or otherwise, shall take the same with due notice and subject to all the equities existing between the original parties, and to provide a penalty for failure to comply with the provisions of this act. (No. 377, p. 81, approved December 21, 1897.)

Violating the provisions of this act by selling any of the articles mentioned in the act without expressing in the face of such notes or contracts or other evidence of debt the article or thing for which the same was given is declared a misdemeanor. Penalty as prescribed in section 1039, volume 3, of the Code of Georgia of 1895.

Firearms at picnics, etc.—An act to make it unlawful for any person to fire any pistol, gun, or other firearm on any excursion train or at any picnic, except in his or

her defense, and to prescribe a penalty for violating same, and for other purposes. (No. 282, p. 96, approved December 21, 1897.)

Section 1 of this act prohibits shooting on excursion trains or at picnics. Violation a misdemeanor: Penalty as prescribed in section 1039 of the Criminal Code of Georgia of 1895.

NOTE.—Previous law of December 23, 1892, says: Whoever shoots any gun, etc., in a car is guilty of misdemeanor.

Arresting officers not to procure dismissal of warrants.—An act to prohibit arresting officers in this State from advising or in any way procuring the dismissal or settlement of criminal warrants in their hands for execution, and to provide a penalty for the violation of the provision of this act, and for other purposes. (No. 177, p. 98, approved December 3, 1897.)

Section 1 prohibits arresting officer from advising dismissal of warrant.

Section 2 prohibits collection of costs until warrant is returned.

Violation of provisions, a misdemeanor: Penalty as prescribed in section 1039, volume 3, of the Penal Code of Georgia, 1895.

Malicious use of explosives.—An act to prohibit the willful and malicious destroying, injuring, or attempting to injure or destroy any dwelling house, storehouse, barn, depot, or other house or place of business or lodging of any person with or by the use of dynamite, powder, nitroglycerin, or any other explosive substance, and to provide a penalty therefor, and for other purposes. (No. 332, p. 99, approved December 20, 1897.)

Section 1 prohibits the destruction of any dwelling house, storehouse, barn, depot, or other house or place of business or lodging of any person by explosives.

Section 2 prohibits destruction of any dwelling house, storehouse, barn, depot, or other house or place of business or lodging of any person within the limits of any city or town within this State, by explosives.

Penalty for violation of provisions of sections 1 and 2 is death, but the punishment may be commuted in conformity with section 63, volume, 3 of the Code of the State of Georgia of 1895.

Penalty for destruction of any house, storehouse, barn, depot, or other house or place of business not a lodging place by explosives, is confinement and hard labor in the penitentiary of this State for not less than one year nor longer than twenty years.

Injury to public roads.—An act to prohibit the excavating, tearing up, destroying, or injuring paved, macadamized, or other public roads of this State, except in the ordinary use thereof, or for the purpose of working or repairing the same by the proper authorities, without the consent of the county commissioners or the ordinary, and to provide a punishment therefor. (No. 347, p. 100, approved December 21, 1897.)

By provisions of this act injury to public roads is prohibited. Violation subjects to penalty as prescribed in section 1039, volume 3, of the Code of Georgia of 1895, given above.

Enforcing vaccination.—An act to authorize and empower county and municipal authorities to enact such regulations or ordinances to provide for enforcing vaccination, and providing for penalty, and for other purposes. (No. 329, p. 101, approved December 20, 1897.)

Provisions of this act require all persons, under penalty, to submit to vaccination for the purpose of preventing the spread of smallpox or other contagious disease.

NOTE.—New so far as "all persons" are concerned. In 1880-81 boards of education were empowered to make vaccination a prerequisite to admission to their schools. (See Code, sec. 1397.)

Horticulture and pomology.—An act to require the commissioner of agriculture to establish a special department of horticulture and pomology; to employ an entomologist, fix his salary, and define his duties; to provide for inspection of fruit trees, fruit, vineyard, melon, and vegetable farms, and to prevent, diminish, and destroy contagious diseases and destructive insects in orchards, vineyards, and other places; to provide boards of arbitration, fix their powers, define their duties, and provide for their costs; to provide funds for the maintenance of said department; to prescribe penalties for violations, and for other purposes. (No. 346, p. 111, approved December 21, 1897.)

Section 9 of this act declares that any person or persons refusing or failing to obey the order of the commissioner of agriculture in reference to destroying, removing, or disinfecting premises or property in their possession infected or diseased as described, and who shall fail to notify said commissioner, as heretofore provided, or shall refuse to appoint an arbitrator or arbitrate said cause, as provided in this act, or shall hinder or prevent the sheriff or his deputy from executing said order, or

shall prevent the entomologist from entering upon the premises or inspecting property suspected or known to be diseased or infected shall be guilty of a misdemeanor. Penalty, as prescribed in section 1039, volume 3, of the Code of 1895.

Grading commercial fertilizers.—An act to prescribe three grades of complete commercial fertilizers, for the branding of same upon each sack or package of fertilizers, and for other purposes. (No. 358, p. 115, approved December 21, 1897.)

Section 1 of this act prohibits sale of any complete commercial fertilizer in this State unless the grade of same is branded upon each sack or package thereof in letters not less than one inch.

Section 2 provides for and defines the three grades of fertilizers, namely, high grade, standard grade, and low grade.

Failure to comply with the requirements of this act shall subject the seller thereof to all the pains and penalties now of force for failure to have fertilizers properly inspected.

NOTE.—General for commercial fertilizers. Inspection and tagging of cotton meal since 1890-91. Sale of fertilizers made illegal if under 10 per cent of available phosphates: Penalty, a misdemeanor.

Stealing rides.—An act to prevent tramps or others from stealing or attempting to steal a ride on railroad trains, and for other purposes. (No. 355, p. 116, approved December 21, 1897.)

Section 1 of this act prohibits the stealing of rides on trains. Violation, a misdemeanor: Penalty, as provided for a misdemeanor in any county in which such offense is committed.

Practice of dentistry.—An act to establish a board of dental examiners, prescribe its powers and duties, and to regulate dentistry and the practice thereof, and to repeal existing laws regulating the same, and for other purposes. (No. 223, p. 119, approved December 15, 1897.)

Section 1 prohibits the practice of dentistry in the State of Georgia without license from board of dental examiners, provision for appointment and establishment of which is made in sections 2 to 7 of this act.

Section 7 makes any cruelty, incapacity, unskillfulness, gross negligence, indecent conduct toward patients, or any such professional misbehavior by any dentist a misdemeanor.

Section 8 makes any false statement made to board of dental examiners by dentist or other person a misdemeanor.

Penalty for violation of the provisions of this act as prescribed in section 1039, volume 3, of the Code of Georgia of 1895, with revocation of license, if license be falsely obtained.

NOTE.—Substantially new.

Prohibiting sale of seed cotton.—An act to prohibit the sale of seed cotton in the county of Jones from the 15th day of August to the 15th day of December of each year, and to provide a penalty for the violation of the same, and for other purposes. (No. 164, p. 576, approved December 3, 1897.)

Section 1 prohibits the sale of seed cotton in Jones County from August 15 to December 15 of each year.

Violation a misdemeanor: Penalty, as prescribed in section 1039, volume 3, of the Code of Georgia of 1895.

NOTE.—Section 543 of volume 3, Code of 1895, says: "If any person shall buy or sell any seed cotton after sunset and before sunrise, or receive or deliver any such cotton after sunset and before sunrise, which has been sold or to be sold in pursuance of such delivery, he shall be guilty of a misdemeanor."

Butchering cattle, etc.—An act to prohibit butchering any cattle, sheep, or hogs in the county of Liberty in any woods or timbered land, unless the said woods or timbered lands are inclosed and the butchering is done by the owner of the land, lessee, or tenant, or the agent or servant of the owner of the land, lessee, or tenant, and the said butchering not to be done between the hours of 8 o'clock p. m. and 5 o'clock a. m., and to fix the penalty for violation of the same, and for other purposes. (No. 254, p. 577, approved December 16, 1897.)

Section 1 prohibits the butchering of cattle, sheep, or hogs, in Liberty County, as stated in act.

Violation a misdemeanor: Penalty, as prescribed in section 1039, volume 3, of the Code of Georgia of 1895.

Firing woods in Berrien County.—An act to make it a penal offense for any person to set fire to the woods, grass, or other growth on the lands of another in the county of Berrien without the consent of the owner thereof, to prescribe a penalty for the same, and for other purposes. (No. 328, p. 581, approved December 20, 1897.)

Section 1 prohibits the firing of woods or grass on the lands of another without consent of owner in county of Berrien.

Violation, a misdemeanor: Penalty, as prescribed in section 1039, volume 3, of the criminal code of 1895.

NOTE.—Based on Code of 1895, volume 3, sections 229-231, concerning "firing the woods," which prohibits owners from firing at any time, excepting between February 20 and April 1, and then with notice to contiguous owners.

Especially depends on section 698 of Code of 1895, volume 3, which says: "If any person shall willfully and maliciously set on fire, or cause to be set on fire, any woods, lands, or marshes, so as to cause loss or injury to another, he shall be guilty of a misdemeanor."

Bicycle ways, Wilkes County.—An act to protect bicycle ways in the county of Wilkes, and to provide a penalty for violations thereof, and for other purposes. (No. 250, p. 584, approved December 16, 1897.)

Section 1 prohibits willfully riding or driving on horseback or in any buggy, wagon, or other vehicle drawn by horses, oxen, or mules upon any way or road lawfully constructed or prepared for the special use of bicycles in the county of Wilkes, except at the usual road crossings.

Violation, a misdemeanor: Penalty, fine not to exceed \$50 or work on the chain gang of the county not to exceed two months, and one or both of these punishments may be ordered, in the discretion of the judge.

Intoxicating liquors.—An act to amend section 428 of volume 3 of the Code of 1895 by inserting after the word "sell," in the second line in said section, the words "contract to sell, take orders for," so as to prohibit the making of contracts or taking orders for the sale of intoxicating liquors, where the sale of same is now prohibited by law, and for other purposes. (No. 302, p. 39, approved December 9, 1897.)

As amended, section 428 of volume 3 of the Code of 1895 prohibits selling, contracting to sell, taking orders for, or soliciting the sale of spirituous, malt, or intoxicating liquors in any county or town or municipal corporation or militia district or other place where the sale of such liquors is prohibited by law, high license, or otherwise. Violation, a misdemeanor.

LIQUOR LAWS.

County of Bulloch.—An act to amend the caption of an act approved September 5, 1879, which was an act entitled an act to prescribe the method of granting license to sell spirituous or intoxicating liquors in the county of Bulloch, and increased the fee for the same to \$5,000, by adding in the caption at its close the following words: "To provide a penalty for its illegal sale, and for other purposes." (No. 246, p. 557, approved December 16, 1897.)

As amended the act shall read, An act to prescribe the method of granting license to sell spirituous or intoxicating liquors in the county of Bulloch, and to increase the fee for the same to \$5,000; to provide a penalty for its illegal sale, and for other purposes.

County of Elbert.—An act to prohibit the distilling or manufacture of spirituous and intoxicating liquors in the county of Elbert, to make the same penal, and to provide a penalty therefor, and for other purposes. (No. 182, p. 558, approved December 6, 1897.)

Section 1 prohibits the distilling or manufacture of liquor in Elbert County.

Violation, a misdemeanor: Penalty as prescribed in section 1039 of the Penal Code of Georgia of 1895.

The manufacture of domestic wines is not prohibited by this act.

Franklin County.—An act to amend an act approved September 24, 1883, entitled "An act to regulate and prohibit the sale of intoxicating, spirituous, or malt liquors in the county of Franklin after submitting the same to the qualified voters of said county;" prescribe a penalty for the violation of the same by inserting in the eighth line of section 3, after the word "medicinal," the words "purposes when prescribed by the attending physician, and for sacramental purposes." (No. 139, p. 558, approved November 29, 1897.)

The section of act as amended prohibits the sale of intoxicating liquors except for medicinal and sacramental purposes after prohibition has been legally declared.

Violation, a misdemeanor: Penalty as prescribed in section 1039, volume 3, Code of Georgia of 1895.

County of Harris.—An act to prohibit the manufacture of distilled spirits within the limits of the county of Harris, and to prescribe a penalty therefor. (No. 183, p. 559, approved December 6, 1897.)

Violation of provisions of this act prohibiting manufacture of distilled spirits in Harris County is declared a misdemeanor: Penalty as prescribed in section 1039 of the Penal Code of Georgia of 1895.

County of Meriwether.—An act to make it unlawful to manufacture any alcoholic, spirituous, malt, or intoxicating liquors, except domestic wines, in the county of Meriwether, and to prescribe a penalty for violating the same, and for other purposes. (No. 158, p. 561, approved December 2, 1897.)

Section 1 prohibits the manufacture of liquor in Meriwether County.

Violation, a misdemeanor: Penalty as prescribed in section 1039, volume 3, of the Code of Georgia of 1895.

GAME LAWS.

Opossums.—An act to prevent the hunting or catching of opossums in this State between the 1st day of March and the 1st day of October of each year, and to provide a penalty for a violation of the same, and for other purposes. (No. 166, p. 101, approved December 3, 1897.)

Section 1 prohibits the hunting of opossums from March 1 to October 1 of each year. Violation subjects to penalty as prescribed in section 1039, volume 3, of the Code of Georgia of 1895.

Lee County.—An act for the protection of fish in the streams of Lee County, and to fix penalties for the violation of the same, and for other purposes. (No. 256, p. 582, approved December 16, 1897.)

Section 1 prohibits poisoning, killing with dynamite, catching with seines, or entrapping with any device whatever, except with hook and line, bob, minnows, artificial flies and fish-pots, any fish in any stream in the county of Lee.

Section 2 prohibits keeping or maintaining traps in any stream in said county of Lee.

Violation of provisions of this act, a misdemeanor: Penalty according to section 1039, volume 3, of the Code of 1895.

Tallulah River.—An act to regulate the catching or taking of fish in Tallulah River and all its tributaries in Rabun County, and to prescribe a penalty for violating the provisions of the same. (No. 252, p. 583, approved December 16, 1897.)

Section 1 prohibits trapping fish in Tallulah River and tributaries in Rabun County. Violation, a misdemeanor: Penalty as prescribed in section 1039, volume 3, of the Criminal Code of Georgia of 1895.

Bibb County.—An act for the protection of fish in the waters of Bibb County, to fix penalties for violation of the same, and for other purposes. (No. 161, p. 584, approved December 3, 1897.)

Section 1 prohibits killing or trapping fish in the waters of Bibb County for a period of five years.

Section 2 prohibits keeping or maintaining traps upon any stream in Bibb County during a period of five years.

Violation a misdemeanor: Penalty according to section 1039, volume 3, of the Code of 1895.

MUNICIPAL CORPORATIONS.

In 1897 Georgia passed seventy-three acts relating to municipal corporations, amending charters incorporating towns, or extending corporate limits. In these charters the mayor and aldermen or town authorities have authority to establish municipal ordinances and to punish their violation. These acts contain a general authorization with definite limits.

Abbeville.—Thus, in the charter of the city of Abbeville (No. 310, sec. 23, p. 140) the mayor is authorized to hold a police court for the trial and punishment of all violators of the ordinances, rules, or regulations of said city, and to punish offenders by a fine not to exceed \$100 and costs, or by labor on the streets and public works not to exceed ninety days, or by confinement in the guardhouse not to exceed sixty days.

It is further provided (sec. 35, p. 144) that should the mayor or any alderman be guilty of malfeasance in office he may be indicted before the superior court of the county, and be fined not exceeding \$200 or imprisonment not to exceed six months.

Clarksville.—In the act incorporating the city of Clarksville (No. 272, sec. 15, p. 164) the powers of the mayor and council in imposing penalties are limited to a fine not exceeding \$50 or imprisonment in the guardhouse not exceeding thirty days, and shall have power to work said offenders on the streets not exceeding thirty days.

In the charter of Abbeville the mayor may punish for contempt by fine not to exceed \$10 or confinement in the guardhouse not to exceed five days. In the city of Clarkesville the power to punish for contempt shall not exceed \$20 fine or twenty days imprisonment.

Clayton (No. 281, sec. 10, p. 172).—The mayor's court may punish not exceeding \$100 fine or imprisonment or labor on the street not to exceed thirty days.

Donalsonville (No. 194, p. 186).—The limitation of fine is not stated, but the mayor may imprison offenders in the guardhouse not exceeding thirty days.

Douglas (No. 141, sec. 11, p. 193).—The mayor and aldermen may impose a fine not exceeding \$50, or commit to imprisonment or work not exceeding thirty days.

Fairburn (No. 297, sec. 11, p. 202).—Provision is made for a recorder's court, the power to sentence for violation of ordinances, to labor upon the streets for public works not to exceed sixty days, or to impose a fine not exceeding \$100, or both. In section 17 of the same act (p. 204) the mayor and board of aldermen have power to compel all persons who are subject to road duty to work on the public streets or to pay the commutation tax of \$10. For contempt they may imprison such persons or work them on the streets of the town not exceeding sixty days, or impose a fine not exceeding \$100. Section 31, page 209, forever prohibits the sale of liquor in the town, and gives the corporate authorities power to inflict punishment for violation of this section. The penalty is not stated.

Fairmount (No. 219, p. 211, sec. 7).—The town council are not allowed to impose a fine of over \$25 for any violation of their by-laws or ordinances, imprisonment in the calaboose not to exceed thirty days, or work on the streets not to exceed fifty. Section 13 prohibits the sale of liquor. Violation a misdemeanor, to be punished as in section 1039, volume 3, Code of 1895.

Grantville (No. 196, sec. 14, p. 222).—The usual powers are conferred upon the corporate authorities, but no limitation as to fine or imprisonment is stated.

Section 17 forbids the sale of intoxicating liquor and provides a penalty not to exceed \$500, or work upon the public streets or works of said town not longer than six months, or both, in the discretion of the chairman.

Homer (No. 174, sec. 15, p. 239).—The council may impose fine and imprisonment; no limitation is fixed to the fine. Imprisonment is limited to thirty days. The mayor and town council are authorized to organize work gangs and to confine at labor for a term not exceeding thirty days.

Lake Park (No. 311, sec. 12, p. 253).—The mayor's court may sentence to sixty days' labor upon the streets or public works and impose a fine not to exceed \$100. Contempt is punishable by imprisonment not to exceed two days or a fine not exceeding \$10.

In most of these charters mention is made of a chain gang. In the charter of Lake Park (sec. 26, p. 257) the authority conferred is very explicit. "The mayor and town council of Lake Park shall have full power and authority to enact an ordinance providing for the establishment of a chain gang of said town for the punishment of offenders against the ordinances of said town; the chain gang shall be under the charge of the town marshal and deputy marshals, and they shall have the right to put chains and shackles upon the convicts and to work them upon the streets and sidewalks of said town or elsewhere within the corporate limits of said town, and the marshal and his deputies shall have authority to whip or otherwise punish stubborn and unruly convicts; provided, that nothing in this act shall be construed to authorize the marshal, deputy marshal, or any other person whomsoever cruelly or inhumanly to treat convicts in said chain gang.

Lyons (No. 206, p. 260, sec. 11).—The mayor's court may punish not to exceed a fine of \$100 and costs, or in default of payment by labor on the streets or public works not to exceed sixty days, confinement in the common jail not to exceed sixty days.

SEC. 8. Officers guilty of malfeasance may be indicted in superior court and fined from \$50 to \$200, or be imprisoned not to exceed six months, in the discretion of the court.

Mountville (No. 147, p. 274).—Section 12 limits sentences imposed by mayor to imprisonment to sixty days in guardhouse, or may compel offender to work on streets or public works for ninety days. Limits of fines are not indicated.

Section 11 prohibits forever the sale of liquor: Penalty, \$100 and imprisonment for sixty days, or work on the street or public work for ninety days.

Ocala (No. 137, p. 282).—Provision is made for a recorder's court. Fine not to exceed \$100. Provision is made for the imprisonment of those under sentence, but no limit is indicated except for failure to work out road tax. Defaulters may be imprisoned in the guardhouse not exceeding three days for each day they refuse to work. The mayor has also power to imprison in default of payment of fines imposed by him, but the limitations are not indicated.

Pepperton (No. 145, p. 287).—Section 11 empowers the mayor to impose fines not to exceed \$100, or to sentence offenders to confinement in guardhouse or to work upon the public works, or to let them to private individuals for any time not to exceed six months, or both fine and imprisonment may be inflicted.

False swearing in registration subjects to prosecution in the State courts, and illegal voting is a misdemeanor.

Sale of liquors forever prohibited. Violation, misdemeanor: Punishable in State courts.

Various towns.—The examples above show the variety of penal provisions in various town and city charters. There is no fixed law as to the amount of fine or the time of imprisonment, which varies from thirty days to six months in local administration. The municipal penalties which may be imposed in a few other towns are indicated below:

Name of town.	Sentence imposed.		Remarks,
	Fine.	Imprisonment or work.	
Powder Springs	\$50	30 days	This for liquor selling only.
Reidsville	(a)	do	
Smyrna	30	do	
Statesboro	b 50	6 months	
St. Marks	50	30 days	
Summerville	100	do	One or both. For contempt, \$50 and 50 days.
Sunnyside	100	100 days	
Thomaston	100	90 days	
Toccoa	100	60 days	
Trion	100	30 days	
Woodbury	25	do	For contempt, \$10 and 5 days.
Woodstock	20	20 days	

a Not stated.

b A day.

1898.

The references here made are to Public Acts of the General Assembly of the State of Georgia, 1898, compiled by W. H. Harrison, and published by authority of the general assembly.

Carrying metal knucks (No. 106, p. 232, approved December 20, 1898).—Amends section 341 of the penal code of Georgia, making the carrying of metal knucks penal, so that the section reads: "Any person having or carrying about his person, unless in an open manner and fully exposed to view, any kind of metal knucks, pistol, dirk, sword in a cane, spear, bowie knife, or any other kind of knives, manufactured and sold for the purpose of offense and defense, shall be guilty of a misdemeanor."

Firing woods by carelessness (No. 22, p. 232, approved December 6, 1898).—Amends section 698, volume 3, of the Code of 1895, by striking out the words "and maliciously" and substituting the words "carelessly or negligently." The section thus amended reads as follows: "If any person shall willfully, carelessly, or negligently set on fire or cause to be set on fire any woods, lands, or marshes, so as to cause loss or injury to another, he shall be guilty of a misdemeanor."

Discharging firearms on Sunday (No. 34, p. 261, approved December 9, 1898).—It is made unlawful for any person to willfully or wantonly fire off or discharge any loaded gun or pistol on Sunday except in defense of person or property. Violation, misdemeanor.

Banks (No. 53, p. 264, approved December 15, 1898).—The act authorizes banks to issue circulating notes.

SEC. 7. It shall not be lawful for the comptroller-general to countersign the circulating notes authorized by this act for any banking association to an amount in excess of 75 per cent of said bank's unimpaired paid-up capital stock. If the comptroller-general violates the provisions of this section, he shall be deemed guilty of a felony,

and, on conviction, shall be punished by confinement in the penitentiary for a period of not less than one year or more than five years.

Horticulture and pomology (No. 78, H. 269, approved December 20, 1898).—Establishes a special department of horticulture and pomology.

Section 7 makes it unlawful to sell, give away, or transport plants known to be infested with dangerously injurious insects or plant diseases. Violation, misdemeanor.

Section 8 empowers the board of control, its agents or employees, to enter upon any premises in discharge of the duties herein prescribed. Any person obstructing them shall be guilty of a misdemeanor.

Section 10 makes it unlawful to ship within the State of Georgia plants without having been previously inspected by either a State or experimental station entomologist or Government officer within twelve months of the date of said shipment. Certificate of inspection to accompany each box of packing. Violation, misdemeanor.

Section 12 requires persons residing in the State of Georgia dealing in or handling trees, etc., to have their stock inspected annually on or before November 1. The inspector furnishes a certificate to that effect. Persons making a shipment before the filing of such certificate with the chairman of the board of control shall be guilty of a misdemeanor.

Counterfeiting trade-marks (No. 86, 273, approved December 20, 1898).—The act protects persons, firms, corporations, and associations in the use of trade-marks. It is made unlawful to counterfeit them for the purpose of deceiving the public in the sale of goods. Violation, misdemeanor. Every person, etc., knowingly using any counterfeit or imitation guilty of a misdemeanor.

Sec. 3. Every person displaying the genuine label in a manner not authorized by law, knowing that such use is not authorized, shall be guilty of a misdemeanor.

Section 4 makes it a misdemeanor to use the name or seal of any person, etc., with intent to deceive.

Punishment as prescribed in section 1039, code of 1895.

Liquor laws.—The manufacture of spirituous liquors is prohibited in the counties of Betts, Newton, and Talbot, and a violation of the law made a misdemeanor, punished under section 1039, volume 3, Code of 1895. A similar special act prohibits the sale of wine in the town of Alpharetta with the same penalty.

IDAHO.

1897.

Felony and misdemeanor defined.—A felony is a crime which is punishable by death or by imprisonment in the State prison. Every other crime is a misdemeanor. (Statutes of Territory adopted by the State. Act approved January 28, 1891, sec. 6311.)

Penalty for felony.—Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony is punishable by imprisonment in the State prison not exceeding five years or by a fine not exceeding \$5,000, or by both such fine and imprisonment. (Sec. 6312.)

Penalty for misdemeanor.—Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months or by a fine not exceeding \$300, or by both. (Sec. 6313.)

Employment of aliens.—An act to discourage the further increase of alien population in this State. (P. 5, approved February 18, 1897.)

Section 1 prohibits any county government or municipal or private corporation to employ aliens who have neglected or refused to become, or declared intention to become, citizens of the United States.

Section 2 provides for the discharge, upon complaint, of alien employees whenever employment has been innocently given to an alien employee, unless said employee shall produce his declaration to become a citizen or his certificate of naturalization.

Violation of provisions of this act, to give employment to aliens or refusal to discharge such employee upon complaint as aforesaid, is declared a misdemeanor.

Suppression of prostitution.—An act providing for the regulation or the suppression and prohibition of prostitution in cities, towns, and villages. (P. 18, approved March 6, 1897.)

Section 1 declares that city councils, boards of aldermen, and boards of trustees of cities and towns and villages of this State heretofore incorporated under special or general laws, or hereafter incorporated, are hereby vested with authority and power to regulate or to suppress and prohibit prostitution within the limits of their respective cities, towns, or villages, and are hereby authorized and empowered to pass such ordinances, by-laws, rules, and regulations as may be necessary to effect such regulation, suppression, or prohibition within their respective cities, towns, and villages.

Taxation of live stock.—An act to regulate the assessment and taxation of live stock when kept, driven, or pastured or that may range in more than one county of this State. (P. 22, approved March 6, 1897.)

Sections of this act provide for the taxation of all live stock that is kept, driven, or pastured in more than one county of the State of Idaho, and regulate the assessment of taxes thus imposed.

Section 7 declares that any owner or agent neglecting to give any notice to any assessor, or refusing to make any statement required by this act, or making a willfully false statement, or removing or suffering to be removed any such live stock from any county to evade the payment of any taxes payable to said county according to the provisions of this act shall be guilty of a misdemeanor. Penalty as provided by section 6313 of the Penal Code.

NOTE.—Section 6313 of the Penal Code provides the penalty of six months' imprisonment, or fine of \$300, or both.

Gambling.—An act to prohibit gambling, and to provide for the punishment thereof for other purposes. (P. 53, approved March 8, 1897.)

Section 1 of this act prohibits games of faro, monte, roulette, lansquenet, rouge et noir, rondo, or any game played with cards, dice, or any other device, for money, checks, credit, or any other representative of value.

Violation, a misdemeanor: Penalty, fine not less than \$200, or imprisonment in the county jail not less than four months.

Section 2 declares that every person who knowingly permits any of the games prohibited by the preceding section to be played, conducted, or dealt in any house owned or rented by such person, in whole or in part, is punishable as provided in the preceding section.

Section 3 prohibits winning or acquiring while playing at any game of chance any sum of money, or anything of value.

Violation, a misdemeanor.

Section 4 provides for the public destruction of gambling tables or other devices.

Refusal of witness for the prosecution to attend as required is declared a misdemeanor.

Section 8 declares that every prosecuting or county attorney, sheriff, constable, or police officer refusing or neglecting to inform against and prosecute is declared guilty of a misdemeanor.

NOTE.—New in part. Former penalty (see section 6850 of Revised Statutes of the State of Idaho), fine not less than \$100 nor more than \$300, and imprisonment not to exceed six months until such fine is paid.

Buffalo and bison.—An act to protect buffalo and bison. (P. 17, approved March 4, 1897.)

Section 1 prohibits killing or trapping any buffalo or bison.

Section 2 prohibits sale of, or having in possession, or transporting any buffalo or bison.

Section 3 prohibits hunting or chasing with dogs any buffalo or bison, or having in possession any dog or dogs for said purpose.

Violation, a misdemeanor: Penalty, fine not less than \$100 nor more than \$300, or imprisonment in the county jail not exceeding three months, or both such fine and imprisonment.

NOTE.—Section 7185 of Revised Statutes of the State of Idaho of 1887 makes penalty not less than \$25 nor more than \$100.

Fish and game.—An act to provide for the protection of fish and game and repealing all other acts in force relative to the protection of fish and game, except the act relative to buffalo. (P. 130, approved March 12, 1897.)

Section 1 prohibits killing or trapping any moose, caribou, mountain sheep, mountain goat, elk, or mongolian pheasant at any time except between September 1 and October 1 of each year.

Section 2 prohibits killing or trapping any deer or antelope between September 1 and December 31 of each year; also killing or trapping such animals at any time of the year for the purpose of buying or selling their hides or carcasses.

Section 3 prohibits killing or trapping any beaver or kitten beaver within the State of Idaho for a period of five years from and after the approval of this act.

Violation of provisions of section 3, a misdemeanor: Penalty, fine \$100 to \$200 for the first offense, and for each subsequent offense, fine \$100 to \$200 and imprisonment in the county jail three months to six months.

Section 4 prohibits buying or selling the hides or flesh of any of the animals mentioned in the preceding sections.

Section 5 prohibits hunting or chasing with dogs any of the animals mentioned in the preceding sections, or to own or have in possession any dog or dogs for the purpose of hunting or chasing said animals.

Section 6 prohibits killing, trapping, or destroying any quail except between October 1 and December 1 of each year; also trapping or selling any quail at any time of the year.

Section 7 prohibits killing, trapping, or destroying any partridge, pheasant, grouse, prairie chicken, sage hen, or fool hen except between August 1 and December 15 of each year; also the destruction of eggs of any birds mentioned in this section at any time of the year.

Section 8 prohibits killing, trapping, or destroying any species of wild duck, goose, or swan, or to destroy their eggs, between March 15 and August 15 of each year.

Section 9 prohibits having in possession any of the animals or birds named in this chapter between the dates within which the killing, trapping, or destruction is prohibited.

Section 10 prohibits catching or killing any species of fish except salmon, carp, chub, mullet, sucker, shad, whitefish, and sturgeon in any of the waters lying within the State of Idaho with any net or other contrivance except hook and line.

Section 11 prohibits taking, selling, buying, or having in possession any species of fish except those above mentioned within the times wherein the killing or catching of the same is prohibited; also the transportation of fish except those mentioned at any time of the year.

Section 12 prohibits the killing of any fish with explosives at any time of the year. Violation of the provisions of this section shall be deemed guilty of a felony.

Section 13 prohibits the emptying of sawdust into any of the waters of the State of Idaho which are known to contain trout.

Section 14 prohibits obstruction upon any of the streams of water in the State of Idaho that prevents free passage of fish up and down such stream, and declares that any person or corporation that diverts any of the waters of this State by means of any canal or other conduit shall construct and keep in repair a suitable screen of wire at the head of such canal to prevent the passage of fish into said canal. Violation of this provision a misdemeanor: Penalty, fine not to exceed \$100 for each month or portion thereof that the provisions are not complied with.

SEC. 16. Violation of any of the provisions of this act, wherein no other penalty is provided for, a misdemeanor: Penalty, for each and every offense, fine not less than \$100 or by both fine and imprisonment.

NOTE.—Certain new features: Section 3, with regard to killing and trapping any beaver. Section 14, as to wire screen and penalty established for neglect to provide such screen. Section 16, former penalty not less than \$50 nor more than \$100 for each offense.

Practice of medicine and surgery.—An act to regulate the practice of medicine and surgery, and the itinerant vending of drugs, nostrums, ointments, appliances, or other remedies within the State of Idaho, and providing penalties for the violation of this act. (P. 97, approved March 12, 1897.)

Sections of this act provide for the establishment of the State board of medical examiners and regulate the powers and duties of such board.

Provision is furthermore made for obtaining a license to practice medicine and surgery within the State of Idaho.

Section 12 declares that any person practicing medicine and surgery within this State without a license or contrary to the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine \$50 to \$300, or imprisonment in the county jail ten days to six months, or by both such fine and imprisonment, together with the costs of prosecution, and each day such person continues to practice medicine and surgery contrary to the provisions of this act shall constitute a separate offense.

Section 14 provides for the recording of licenses.

Section 16 declares who shall be regarded as practicing medicine and surgery, and prohibits false use of the diploma of another, or a forged affidavit of identification, or personation of another practitioner of a like or different name: Penalty, fine and

imprisonment as provided by the statutes of the State of Idaho for the crime of forgery.

Section 18 provides for the licensing of itinerant vendors of drugs, nostrums, etc.

Violation of provision of this section a misdemeanor: Penalty, fine \$100 to \$200, or imprisonment in the county jail not less than thirty days nor more than ninety days, or both such fine and imprisonment, with costs of prosecution.

NOTE.—Substantially new. Former penalty, fine \$50 to \$500, or imprisonment thirty days to six months, or both, for each and every offense.

Horticultural inspection.—An act to create and define the duties of State board of horticultural inspection, to appropriate money for the expense thereof, and to prevent the gift, sale, distribution, transportation, or planting of infested trees, plants, cuttings, grafts, scions, buds, or other horticultural material; and to provide for disinfection or destruction of the same, and prescribing penalties for failure to comply with the provisions of this act. (P. 109, approved March 12, 1897.)

Sections of this act provide for the creation of a State board of horticultural inspection and define duties of same. Said board shall at its first meeting divide the State into not more than ten districts, and shall appoint a State horticultural inspector for each district so established. Duties of State horticultural inspector are defined.

The sale, gift, distribution, or transportation or planting within the State of Idaho of infested fruits, fruit-trees, and plants is prohibited, and destruction of the same is provided for.

Persons shipping fruit, fruit trees, or plants within the State shall affix to each package or parcel containing the same a distinct mark or label showing the name of the produce and the shipper of the same, and the locality where grown.

Violation of provisions of this act a misdemeanor: Penalty, fine \$25 to \$500.

NOTE.—New features; 10 inspectors for as many districts. Monthly report to board and payment of the per diem of inspectors.

State sheep inspector.—An act to amend sections 2, 3, 4, 5, 6, 7, 8, 11, and 12 of an act to create the office of sheep inspector for the State of Idaho; to provide for the appointment and to define the powers and duties of said officer and his deputies and fixing his salary and the compensation of his deputies, and providing for the prosecution of offenses in said act, approved March 9, 1895. (P. 115, approved March 12, 1897.)

Amended sections deal with salary, power, term of office, and official bond of State sheep inspector; with appointment of deputy sheep inspectors, their duties and powers; with notification to deputy sheep inspectors by persons bringing sheep into the State of Idaho for inspection of said sheep.

Violation of provision regarding the inspection to prevent import of infected sheep, a misdemeanor: Penalty, fine \$100 to \$300, or imprisonment in the county jail two months to six months, or both such fine and imprisonment.

Violation of provisions granting permit for the purpose of moving infected sheep, a misdemeanor: Penalty, fine \$100 to \$250, or imprisonment in the county jail two months to six months, or both such fine and imprisonment.

Violations of provisions for dipping infected sheep, a misdemeanor: Penalty, fine \$100 to \$250, or imprisonment in the county jail two months to six months, or both such fine and imprisonment.

Failure to report to deputy sheep inspector of county by person or persons owning or having under control infected sheep or driving such sheep into sheep corral of another without consent of owner, is declared a misdemeanor: Penalty, fine \$25 to \$200, or imprisonment in the county jail two months to six months, or both such fine and imprisonment, together with liability for damages.

Refusal by any herder or shepherd to give every deputy sheep inspector any and all information as to the condition of sheep in his charge to the best of his knowledge, on being requested so to do by said deputy, is declared a misdemeanor: Penalty, fine \$25 to \$100, or imprisonment in the county jail two months to six months, or both such fine and imprisonment.

NOTE.—New features: (1) Power to quarantine. (2) Power to district counties. (3) Change of time from April to March. (4) Former distance 12 miles of county line. (5) Designates distance from shearing corral and adds to penalty "or imprisonment not less than two months nor more than six months or both." (6) Adds to fine and imprisonment "or both." (7) Driving sheep into another corral is a misdemeanor. (8) Any violation of this act liable to civil action. (9) Increase of penalty for neglecting to dip infected sheep, fine or imprisonment or both. (10) Bucks out of the State brought in to be dipped.

Labels and trade-marks.—An act to protect labels and trade-marks. (P. 123, approved March 12, 1897.)

Sections 1 and 2 of this act prohibit counterfeiting of labels and trade-marks.

Violation, a misdemeanor: Penalty, fine not more than \$100, or imprisonment for not more than three months.

Section 3 provides for the filing of labels and trade-marks in the office of the secretary of state.

Section 4 declares that any person falsely procuring the filing of any label or trade-mark in the office of the secretary of state is declared guilty of a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment not exceeding three months.

Section 6 prohibits the unauthorized use or display of any label or trade-mark.

Violation, a misdemeanor: Penalty, imprisonment for not more than three months, or fine of not more than \$100.

Section 7 prohibits the unauthorized use of name or seal in the sale of goods.

Violation, a misdemeanor: Penalty, imprisonment for not more than three months, or fine not more than \$100.

Irrigation.—An act for the regulation of the sale, rental, and distribution of water, and prescribing the duties of owners and controllers of canals in connection therewith. (P. 127, approved March 12, 1897.)

Sections of this act provide for the rating and delivery of water from canals during the irrigation season, for the measurement of such water, and for the filing of statement showing condition of business of corporation owning or controlling any canal or irrigation works for the distribution of water under a sale or rental thereof in the State of Idaho.

Refusal or neglect to file such statement is declared a misdemeanor: Penalty, fine not exceeding \$300, or imprisonment in the county jail for not more than six months, or both such fine and imprisonment.

NOTE.—New features: Filing of detailed statement and penalty attached for refusal or neglect to file said statement.

Irrigation districts.—An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes, and for other and similar purposes. (P. 146, approved March 20, 1897.)

Sections of this act provide for the organization and government of irrigation districts by a State board of adjudication and control, said board to be aided by district boards of directors duly elected as prescribed in sections of this act.

Section 39 declares that no director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom.

Violation, a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, with forfeiture of his office.

NOTE.—This act is an amendment of an act approved March 9, 1895, with added provisions and sections. No change in penalty for offending director or officer.

Embezzlement of public funds.—A resolution to submit to the electors of the State of Idaho, for approval or rejection, amendments to sections 7, 8, and 9 of Article XVIII of the constitution of the State of Idaho, relating to the compensation of county officers. (P. 185, passed the house March 5, 1897; passed the senate March 8, 1897.)

As amended section 9 of Article XVIII of the constitution of the State of Idaho reads as follows: "The neglect or refusal of any county officer or deputy to account for and pay into the county treasury any money received as fees or compensation in excess of his actual and necessary expenses incurred in the performance of his official duties, within ten days after his quarterly settlement with the county, shall be a felony, and the grade of the crime shall be embezzlement of public funds, and be punishable as provided for such offenses."

Public instruction (p. 79, approved March 12, 1897).—Establishes the office of county superintendent of public instruction and prescribes his duties.

Sec. 16. If the county superintendent fails to make a full and correct report to the State superintendent of public instruction of all statements required by law to be made, he forfeits the sum of \$100.

Municipal penalties, city of Boise (p. 85, approved March 12, 1897).—The act providing for the government of the city of Boise gives the mayor and common council full power to enact and enforce local ordinances. Penalties are limited to fine of \$100, and to imprisonment of twenty days, or labor upon the streets or public squares.

ILLINOIS.

1897.

Felony and misdemeanors defined (chap. 38, sec. 277).—"A felony is an offense punishable with death or by imprisonment in the penitentiary." (Halliday v. People, 83 Ill., 479; Statutes [Myer's authorized ed.].)

SEC. 278. "Every other offense is a misdemeanor."

Where no penalty is imposed by statute, punishment "by fine not exceeding \$100, or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court."

Imitation butter.—An act to regulate the manufacture and sale of substitutes for butter. (P. 3, approved June 14, 1897.)

Sections of this act define imitation butter; prohibit the coloring of butter; also the production, sale, or manufacture of imitation butter; require the marking by brand of packages used in keeping articles manufactured and designed to be used as substitute for butter; prohibits sale of imitation butter without informing purchaser; transmission of same without mark or brand; having in control or possession, except for personal or family consumption, any imitation butter without package containing same being duly marked as provided for.

Defacing, erasing, or removing any mark provided by this act, with intent to mislead, deceive, or to violate any of the provisions of this act, is declared a misdemeanor.

Violation of any of the provisions of this act shall subject to fine from \$50 to \$200, or imprisonment in county jail not to exceed sixty days for each offense, or by both fine and imprisonment.

NOTE.—New features, proviso in section 1 "that the use of salt and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation."

Former penalty (see sec. 1, act of June 1, 1881), from \$25 to \$200.

The penalty for violating any provision or any of the sections of this act (June 1, 1881), first offense, fine from \$25 to \$200; second offense, from \$100 to \$200, or imprisonment from one to six months, or both; third and subsequent offenses, fine from \$500 to \$2,000, and imprisonment from one to five years.

Regulating the practice of architecture.—An act to provide for the licensing of architects and regulating the practice of architecture as a profession. (P. 81, approved June 3, 1897.)

Sections of this act provide for the appointment of a State board of examiners of architects, for filing oath of office with secretary of state by said examiners, and for election of their officers. Power and duties of said board of examiners are defined and their meetings regulated. Examination of architects and licensing the same to practice architecture in the State of Illinois is provided for.

Section 8 of this act declares that after six months from the passage of this act it shall be unlawful and it shall be a misdemeanor, punishable by a fine from \$50 to \$500, for each and every week during which said offense shall continue, for any person to practice architecture without a license in the State of Illinois, or to advertise or put out any sign or card or other device which might indicate to the public that he or she is entitled to practice as an architect.

Section 9 states what are to be regarded as architects, and further provision is made for the revocation or renewal of licenses.

Employment of children.—An act to regulate the employment of children in the State of Illinois, and to provide for the enforcement thereof. (P. 90, approved June 9, 1897.)

Sections of this act provide that no child under the age of 14 shall be permitted to work for wages; the employers shall keep a register of name, age, and place of residence of every person under the age of 16 years employed, and post such list in a conspicuous place within the establishment where such persons are employed.

Persons under 16 years of age are prohibited from being employed or permitted or suffered to work by any person, firm, or corporation in this State at such extra hazardous employment whereby its life or limb is in danger, or its health is likely to be injured, or its morals may be depraved.

Persons under 16 years of age are prohibited from being employed or suffered to work for wages at any gainful occupation more than sixty hours in any one week or more than ten hours in any one day.

Duty of State factory inspector is defined.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$10 to \$100 for each offense.

NOTE.—Former penalty, see act June 17, 1893, fine from \$10 to \$50 for each offense.

Former penalty for employing any person under 16 years of age in any manufacturing establishment, factory, or workshop, fine from \$3 to \$100 for each offense.

Fire inspectors.—An act empowering the fire inspector in cities of 500,000 and over to investigate the cause, origin, and circumstances of fires and examine persons under oath in reference to the origin of fires. (P. 96, approved June 9, 1897.)

Sections of this act provide for investigating the cause, origin, and circumstances of every fire in cities of over 500,000 inhabitants in the State of Illinois, and for recording fires occurring in cities aforesaid by fire inspectors.

Duty and powers of fire inspector and his subordinates defined.

Section 4 of this act declares that any owner or occupant of buildings or premises failing to comply with the orders of the fire inspector as herein specified shall be punished by a fine from \$10 to \$50 for each day's neglect. And if the fire inspector neglects or refuses to comply with any of the requirements of this act, he shall be punished by fine from \$25 to \$200.

Civil and legal rights.—An act to amend an act entitled "An act to protect all citizens in their civil and legal rights, and fixing a penalty for violation of the same." (P. 137, approved June 10, 1897.)

As amended, section 1 of this act provides that all persons within the jurisdiction of the State of Illinois shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, hotels, soda fountains, saloons, barber shops, bathrooms, theaters, skating rinks, concerts, cafés, bicycle rinks, elevators, ice-cream parlors or rooms, railroads, omnibuses, stages, street cars, boats, public conveyances on land and water, and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

NOTE.—New feature: Addition of "hotels, soda fountains, saloons, bathrooms, skating rinks, concerts, cafés, bicycle rinks, elevators, ice-cream parlors or rooms, railroads, omnibuses, stages, street cars, and boats."

Penalty provided in act of June 10, 1885, fine from \$25 to \$500 to the person aggrieved; also for every offense guilty of misdemeanor, fine of \$500 or imprisonment for one year, or both.

Regulating the sale of cocaine.—An act for the regulation of the sale of cocaine and of preparations containing cocaine. (P. 138, approved June 11, 1897.)

Section 1 of this act prohibits the selling or giving away of cocaine or of any compound of cocaine, except upon the written prescription of a licensed physician.

Violation subjects to fine from \$10 to \$50 for first offense, and for each subsequent offense fine from \$50 to \$200 or imprisonment in county jail not exceeding thirty days, or both.

Land titles.—An act concerning land titles. (P. 141, approved May 1, 1897.)

Sections of this act provide for the recording and registration of land titles by registrars and their deputies and define the duties and powers of said registrars and deputy registrars; also for the transfer and conveyance of lands by deed, mortgage, lease, or other instrument; for transmission of lands and estate upon the death of the owner by administrator or executor, whose powers are defined. Claims of creditor through assignees and receivers are dealt with. Provision is made for sale of registered land for tax assessment, and proceedings regulated when registered land is levied upon by virtue of attachment, execution, or other process. Proceedings in chancery are dealt with, and also the recovery of compensation for loss or damage through omission or mistake of registrar, deputy registrar, or examiner of titles.

Fraudulent procurement of certificate of title or other instrument affecting registered land is declared a misdemeanor: Penalty, fine not exceeding \$5,000 or imprisonment not exceeding five years, or both.

Forging seal of registrar or signature or handwriting of any officer of the registry office or use of document fraudulently stamped or sealed subjects to imprisonment in the penitentiary not exceeding ten years or fine of \$1,000, or both fine and imprisonment.

Docket fees, registrar's fees, and fees of clerks of courts are fixed and regulated.

NOTE.—Former penalty for larceny of records, imprisonment from one to seven years. (See Revised Statutes 176, p. 580.)

Loan associations.—An act to amend an act entitled an act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such association, in force July 1, 1879, as amended by various acts cited. (P. 166, approved June 16, 1897.)

As amended, provides for board of directors and officers and for giving of bond by officers. Powers of directors to borrow money, accumulate capital, and to issue shares is regulated. Provision is made for the giving of security and withdrawal of shares from association either voluntary or involuntary and for shares of deceased members.

Section 15 declares that the secretary of every association doing business within the State of Illinois shall, within sixty days next after the close of each fiscal year of such association, file with the auditor of public accounts of the State of Illinois, with a fee of \$2, a detailed statement of the business of such association. Any secretary who shall willfully neglect or refuse to file such statement shall be subject to a fine from \$25 to \$200 for each offense. Provided, that when any association shall at any time, by reason of its insolvency, be unable to pay the full face value of the withdrawals other than matured shares within ninety days after notice thereof is given, it shall be unlawful for said association to sell any new shares, and the secretary thereof shall forthwith report the same to the auditor of public accounts, and a failure to comply with this provision shall be a misdemeanor on the part of the officer or officers whose duty it is made to sell such shares and collect such money. Such offense shall be punishable by a fine from \$100 to \$1,000 or imprisonment in the county jail not to exceed sixty days.

Further provision for meetings of stockholders, appointment of custodian by auditor of public accounts, reorganization of associations or voluntary liquidation of same, and for report and record of proceedings; for appointment of receivers, apportionment of profits, and for reservation of contingent fund.

NOTE.—Section 15 formerly made specification for the secretary of every building, loan, and home-stead association.

Formerly provision to section 15 carried no penalty other than injunction and dissolution of association and appointment of receiver. (See act of June 19, 1893, sec. 17.)

Brutal bicycle riding.—An act to prevent long-continued and brutal bicycle riding. (P. 202, approved June 10, 1897.)

Section 1 of this act declares that it shall be unlawful for any person or corporation to engage or take part in or conduct a bicycle contest, match, or race of more than twelve consecutive hours' duration without a rest of six consecutive hours following each twelve hours' racing.

Section 2 declares that it shall be unlawful for any person or corporation to rent, lease, let, or hire any building, race track, park, or road to anyone for the purpose of conducting a bicycle race not in accord with section 1 of this act.

Violation, a misdemeanor: Penalty, fine from \$25 to \$500 or imprisonment in county jail or house of correction from thirty days to one year.

Insignia or rosette of the Loyal Legion.—An act to prohibit the wearing or using of the insignia or rosette of the military order of the Loyal Legion of the United States by any others than members of the order. (P. 202, approved June 9, 1897.)

Section 1 of this act prohibits the wearing of the insignia or rosette of the military order of the Loyal Legion unless entitled to wear the same under the constitution, by-laws, rules, and regulations of said military order.

Violation, a misdemeanor: Penalty, fine from \$10 to \$200.

Removing waste from engine journals.—An act to punish persons for removing waste, lubricated packing, or other material from the journal boxes of engines, tenders, or cars without authority. (P. 203, approved June 11, 1897.)

By this act the malicious removal of any waste or lubricated packing or other material from the journal boxes of engines, tenders, or cars upon any railroad in this State is prohibited.

Violation, a misdemeanor: Penalty, fine not more than \$100, or imprisonment in county jail from ten days to thirty days, or both.

Railroad or steamboat passes.—An act to prevent buying, selling, or fraudulently using passes upon railroads, steamboats, or other public conveyances. (P. 204, approved June 10, 1897.)

By section 1 of this act persons are prohibited from buying, selling, or fraudulently using passes upon railroads, steamboats, or other public conveyances in the State of Illinois which are not transferable. Also free transportation issued in the name of another person than the one so using such pass or form of free transportation. Violation, a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment not exceeding one year, or both.

Sensational or false advertisements.—An act to regulate and prohibit sensational or false advertisements in newspapers or otherwise, and providing penalties for the violation thereof. (P. 204, approved June 11, 1897.)

By this act persons or corporations doing business in this State are prohibited from inserting in any newspaper circulated in this State or displaying any advertisement of goods or merchandise falsely represented as stocks damaged by fire or otherwise, or insolvent stocks.

Penalty for violation, fine of \$25 for first offense, not less than \$50 for second offense, and not less than double the penalty inflicted for second offense for each subsequent offense.

Drains and ditches.—An act in relation to the construction, reparation, and protection of drains, ditches, and levees across the lands of others for agricultural, sanitary, and mining purposes, and to provide for the organization of drainage districts, approved and in force May 29, 1879. (P. 206, approved June 7, 1897.)

Section 1 provides for annual cleaning of land from impediments to the flow of water in the bed of any stream not less than 15 feet wide.

Failure to comply with this provision empowers tax assessor to note fact on assessment book and extend \$10 drainage tax against each 40-acre tract or fraction thereof as a penalty, and additional tax of \$5 for each successive year until this act shall be complied with by owner of land. Persons so failing are also liable for damages.

Game law—Fish.—An act to encourage the propagation and cultivation, and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois. (P. 224, approved June 11, 1897.)

Section 1 prohibits obstruction, by any seine, weir, net, or fish dam, of any rivers, streams, or other waters in the State of Illinois, which shall prevent free passage of fish up and down and through such water courses; also catching or taking fish, except minnows for bait, with any means other than a hook and line, within half a mile of any constructed dam; also catching or killing any fish by use of lime, spear, acid, medical or chemical compound, or explosive; also catching or killing any fish when waters are covered with ice; also catching or killing fish with net or seine the meshes of which are less than 2 inches square, except between July 1 in each year and the 15th day of April of the following year; also the sale of fish caught or taken contrary to the provisions of this act.

Violation, a misdemeanor: Penalty, fine from \$25 to \$200 for each offense.

Section 2 of this act prohibits obstruction to the free passage of fish by dams or other constructions without efficient fish ways, the latter to be kept in good repair by owner of such dams or constructions.

Violation, a misdemeanor: Penalty for each and every offense after notification by fish commissioners, fine from \$25 to \$200.

Sections 3, 4, and 5 provide for construction of suitable fishways under supervision of fish commissioners; for appointment of fish wardens, defining their duties, and for prosecution of persons violating this act.

Section 6 prohibits sale of certain fishes which are less than the length herein specified.

Section 7 prohibits trespassing on lands of another for purpose of fishing without consent of owner. Violation, a misdemeanor: Penalty, fine from \$25 to \$100 and costs for first offense, and \$50 to \$200 for second and subsequent offenses.

Other sections of this act deal with the enforcement of provisions, complaints, issue of warrants, judgment, collection and distribution of penalty, arrest when execution returns no property, and appeal.

NOTE.—An amendment to a previously amended act. New feature: "It shall be unlawful for any person to buy, sell, or have in possession any fish at any time which shall have been caught, taken, or killed contrary to the provisions of this act; and any person so offending shall be deemed guilty of a misdemeanor and fined as provided in this act." (See sec. 1.)

Former penalty for failure to keep fish dam in good repair, fine from \$10 to \$100.

New feature (with regard to prosecution): "Shall not have power to arrest without warrant."

Former penalty for trespass for purpose of fishing, fine not more than \$10, and costs.

United States flags on schoolhouses.—An act to provide for placing United States national flags on schoolhouses, court-houses, and other public buildings in this State, and to repeal certain acts therein named. (P. 229, approved June 2, 1897.)

Sections 1 and 2 provide for the placing of United States flags on every legal holiday on court-houses, on penal and reformatory, State educational, and State charitable institutions, and on every schoolhouse during the school hours of such days as the board of education may determine.

Section 5 declares that any person or persons who shall willfully injure or destroy any flag, flagstaff, or pole, or adjustments attached thereto erected and arranged for the purpose of carrying out the requirements of this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$1 to \$15.

NOTE.—Section 4 of act 26, June, 1895, declares failure to provide flags a misdemeanor: Penalty, fine from \$3 to \$10, and costs.

Desertion by husband.—An act to amend section 3 of an act entitled "An act to prevent and punish abandonment of wife and children by husband," approved June 17, 1893, in force July 1, 1893. (P. 236, approved June 7, 1897.)

As amended, section 3 of the act of 1893 reads as follows:

"No other evidence shall be required to prove that such husband was married to such wife, or that he is the lawful father of such child or children, than is or shall be required to prove such fact or facts in a civil action; and such wife shall be a competent witness to testify in any case brought against such husband under this act as to any and all matters relevant thereto, including the fact of such marriage and the parentage of such children."

NOTE.—New feature; Addition of "and such wife shall be a competent witness to testify," etc. Penalty, fine from \$100 to \$500, or imprisonment from one month to one year.

Fraternal insurance companies.—An act to amend an act entitled "An act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, or accident or permanent indemnity disability to members thereof, and to control such societies of this State and of other States doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith by adding thereto an additional section, hereby designated as section 7½, and amending sections 10 and 12 thereof." (P. 237, approved May 27, 1897.)

As amended, the new section 7½ provides that any corporation, association, or society organized under the provisions of this act may change its article of association in the manner prescribed by its own rules; but no such change shall be of legal effect until a certificate setting forth the changes proposed shall have been submitted to and approved by the insurance superintendent, and filed in the office of the secretary of state, certified copy thereof to be recorded in the office of the recorder of deeds in the county in which the original certificate of association was recorded, compliance to be made within sixty days of such change.

Sections 10 and 12 deal with legislative bodies and their votes, and the subjection of corporations to visitation and inspection by the insurance superintendent, or such person as he may designate.

Refusal or neglect by any society to which this act is applicable to make annual report, as required, subjects such society or corporation to an action enjoining it from continuing to carry on any business.

Violation by any officer or agent acting for a society so prohibited from doing business is declared a misdemeanor: Penalty, fine \$25 to \$500, or imprisonment in county jail from thirty days to one year, or both.

NOTE.—Former penalty, fine from \$25 to \$200.

County and probate judges.—An act in relation to county and probate judges. (P. 242, approved June 3, 1897.)

Section 1 declares that it shall be unlawful for any judge of any county or probate court in the State of Illinois to act as attorney or solicitor for or against any widow or heirs or other person or persons interested in the estate of any deceased person, in respect to the estate, real or personal, of such deceased person, when administration on the estate of such deceased person is pending in said court and final settlement thereof has not been made.

Violation subjects to fine from \$50 to \$1,000, and, upon conviction for second offense, removal of judge from his office.

Assessments.—An act concerning local improvements. (P. 101, approved June 14, 1897.)

An elaborate act of 99 sections.

SEC. 64. It is made the duty of the collector to inform all persons whose names appear upon the assessment roll of such special assessment and request payment of the same. Any collector omitting to do so shall be liable to a penalty of \$10 for every such omission.

SEC. 69. If the collector shall receive any moneys for taxes or assessments, or installments thereof, and give a receipt therefor for any land or parcel of land, and afterwards make a return that the said tax, assessment, or installment thereof was unpaid to the State officers authorized to sell land for taxes, or shall receive the said amount so payable after such return has been made, and the said property be sold for any tax, assessment, or installment thereof which has been so paid and receipted for by himself or his clerks, he and his bondsmen shall be liable to the holder of the certificate given to the purchaser at the said sale for double the amount of the face of the certificate, to be demanded in two years from the date of the sale and recovered in

any court having jurisdiction of the amount; and the city, village, or town shall in no case be liable to the holder of such certificate.

Gas companies (p. 177, approved June 5, 1897).—Defines the powers and privileges of gas companies.

Section 11 provides that any corporation purchasing or leasing the property of any company or companies into which any companies are consolidated under this act shall be subject to the following provisions:

Such corporation shall not increase the price charged by it for gas of the quality furnished to consumers during any part of the year immediately preceding such purchase, lease, or consolidation.

Such corporation shall furnish gas to consumers as good in quality as previous to such purchase, lease, or consolidation.

Sec. 12. A penalty of \$200 for each offense, and liable in damages to the person aggrieved, and any director or officer of such company who shall willfully violate the provisions of the preceding section shall forfeit \$1,000.

Fire escapes (p. 222, approved May 27, 1897).—Provides for fire escapes to be put on certain buildings within three months.

Sec. 4. Owners or trustees who shall not within thirty days after the service of such notice place a fire escape upon such building shall be subject to a fine of \$25 to \$200, and to a further fine of \$50 for each additional week of neglect.

Horseshoeing (p. 233, approved June 11, 1897).—Makes it unlawful to practice as horseshoer without a license and provides for a board of examiners.

Sec. 9. Penalty, \$25 to \$200 for each offense.

Jury commissioners (p. 243, approved June 9, 1897).—Provides for the appointment of jury commissioners and their duties. They may compel the attendance of electors. Every person who shall swear falsely or corruptly shall be guilty of perjury, and upon conviction shall be punished accordingly.

Embezzlement (p. 275, approved June 9, 1899).—Authorizes the corporate authorities of towns to issue bonds for the completion and improvement of public parks and boulevards.

Section 2 provides that any person who shall knowingly violate or aid and abet in the violation of any of the provisions of this act shall be deemed guilty of embezzlement, and shall be liable to indictment, trial, and punishment as in other cases of embezzlement.

Water craft.—An act to license shanty boats and other water craft, fixing the fees therefor, and providing penalties. (P. 248, approved June 10, 1897.)

Section 1 prohibits the occupation of shanty boats or other water craft upon any navigable river or other water course of the State of Illinois as a residence, or for the purpose of engaging in any business whatsoever without license from county clerk. Violation, a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment in the county jail from five to twenty days, or both.

Sections 2 and 3 provide that the license shall describe the kind or character of boat or water craft, and that record thereof shall be kept.

Blowers upon metal polishing machinery.—An act to compel the using of blowers upon metal polishing machinery. (P. 250, approved June 11, 1897.)

Sections 1 and 2 of this act declare that all persons, companies, or corporations operating any factory or workshop where emery wheels or emery belts of any description are used shall provide the same with blowers, and that each and every such wheel shall be fitted with a sheet of cast-iron hood or hopper, so applied that the dust or refuse therefrom will fall from such wheels and be carried off by the current of air into a suction pipe attached to same hood or hopper.

Section 3 describes the suction pipe.

Section 4 regulates velocity of air.

Section 5 defines duty of factory inspector, sheriff, constable, or prosecuting attorney.

Violation of provisions of this act, a misdemeanor: Penalty, fine from \$25 to \$100.

Military and naval code.—An act to revise the military and naval code of the State of Illinois. (P. 252, approved June 11, 1897.)

The eleven articles revising the military and naval code of the State of Illinois deal with the liability, enrollment, and exemption of citizens with regard to military duty in the State; the organization of the State militia, with the appointment, election rules and regulations of the same. They provide for parades and encampments, rifle practice, arms and armories, and courts-martial. Regulate the retired list and the pay and allowances to officers and enlisted men. Define duty in time of mobs and riots,

and make general provisions against the formation of independent military bodies and misuse of military property.

Penalties are imposed on members of the State militia as follows: Imprisonment of thirty days in default of payment of fine imposed by court-martial for neglect of duty; imprisonment in penitentiary from one to two years of every person or persons taking part in riot after being commanded to disperse, which crime is a felony; imprisonment in penitentiary from two to five years for assaulting or firing upon any member or body of the national guard, which crime is a felony.

Section 3, of Article XI, declares that whoever offends against the provisions regarding independent military organizations shall be punished by a fine not exceeding \$10 or imprisonment in the common jail not exceeding six months, or both.

Section 4 of the same article declares that injury or misuse of military property shall be tried by court-martial, and upon conviction shall be subject to fine not exceeding \$100. In default of payment the offender may be imprisoned in county jail not exceeding thirty days.

NOTE.—Former penalty, fine from \$100 to \$200 for violation of provisions relative to formation of independent organizations and misuse of military property.

Competency of coal miners.—An act in relation to the safety and competency of coal miners and to punish for infraction of the same. (P. 268, approved June 7, 1897.)

By this act provision is made for miners to produce satisfactory evidence of having worked two years as a practical miner before engaging in work by himself in rooms of coal mines in the State of Illinois.

Violation subjects to forfeiture of the certificate of the manager of the mine where any such party or parties are employed.

Safety of coal miners.—An act to amend section 11 of an act entitled an act to amend section 11 of an act entitled an act providing for the health and safety of persons employed in coal mines, approved May 28, 1879, in force July 1, 1879, as amended by an act approved June 18, 1883, and an act approved June 30, 1885, and to repeal section 2 of an act entitled an act to require inspectors of mines to furnish information to the State geologist and to provide for paying of the expenses of the same, approved June 18, 1891, approved June 15, 1895, in force July 1, 1895. (P. 269, approved June 7, 1897.)

As amended, this act provides that it shall be unlawful for any person or corporation to operate any coal mine in this State where more than five men are employed at any one time without first having complied with all the conditions and sanitary regulations required under existing laws and paying all inspection fees as herein provided.

Refusal to pay said inspection fees subjects to procedure on behalf of State against person or corporation so refusing to restrain from continuing to operate mine or carry on a mining business.

NOTE.—Formerly mines employing at least ten men were to be inspected. New feature: Closing mine by injunction.

Payment of coal miners.—An act to provide for the payment of coal miners for all coal mined by them, and providing additional duties for mine inspectors. (P. 270, approved June 3, 1897.)

Section 1 provides that every person engaged in mining coal shall be paid in lawful money of the United States.

Section 2 defines duties of mine inspectors with regard to above provision.

Violation of provisions of this act subjects to fine from \$25 to \$200 for each offense.

Licensing of plumbers.—An act to provide for the licensing of plumbers and to supervise and inspect plumbing. (P. 279, approved June 10, 1897.)

Section 1 of this act declares that persons engaging in or working at the business of plumbing in cities of over 5,000 inhabitants shall receive a certificate before engaging in such business.

Section 2 provides for the examination of plumbers by a board of examiners.

Sections 3 and 4 define duties of board of examiners, regulate time and place for holding examinations, and fix the fees for certificate.

Section 5 regulates the inspection of plumbing.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$5 to \$50 for each offense and revocation of certificate by board of health.

Truancy.—An act to promote attendance of children in schools and to prevent truancy. (P. 296, approved June 11, 1897.)

Section 1 of this act declares that every person having control of any child between 7 and 14 years of age shall cause such child to attend some public or private school

for at least sixteen weeks of the year, twelve weeks of which shall be consecutive attendance; for pupils under 10 years of age school term shall begin with first term of the school year, and not later than December 1 for pupils above the age of 10.

Violation of provisions of this section, forfeiture to the use of the public school of the city, town, or district in which such child resides, of from \$1 to \$5, with costs.

Section 3 provides for the appointment of truant officers and defines their duties.

Section 4 declares that any person making false statement concerning the age of child under his control or time such child has attended school shall forfeit a sum from \$3 to \$20 for use of the public schools of his city, town, village, or district.

NOTE.—Former penalty for violation of provisions of section 1, fine not more than \$20 and costs.

Trusts and combines.—An act to amend section 1 of an act entitled an act to provide for the punishment of persons, partnerships, or corporations forming pools, trusts, and combines, and mode of procedure and rules of evidence in such cases, approved June 11, 1891, in force July 1, 1891. (P. 298, approved June 10, 1897.)

Prohibits any corporation organized under the laws of the State of Illinois or any other State or country, or any partnership or individual from becoming a member or a party to any pool, combination, or understanding with any other corporation, partnership, or individual to regulate or fix the price of any article of merchandise or to fix or limit the amount or quantity of any article to be manufactured, mined, produced, or sold in this State.

Violation declared a conspiracy to defraud, and subjects to indictment and punishment as provided in original act.

NOTE.—New feature: "Provided, however, That in the mining, manufacture, or production of articles of merchandise, the cost of which is mainly made up of wages, it shall not be unlawful for persons, firms, or corporations doing business in this State to enter into joint arrangements of any sort, the principal object or effect of which is to maintain or increase wages."

The penalties under the act range from \$500 to \$2,000 for first offense; \$2,000 to \$5,000 for second offense; \$5,000 to \$10,000 for third offense. For every subsequent offense \$15,000.

1898.

Primary elections.—An act providing for primary elections of delegates to nominating conventions of political parties or organizations, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof. (P. 11, approved February 10, 1898.)

In the various sections of this act the mode and manner of conducting primary elections in the State of Illinois is dealt with in elaborate detail.

Certain rules and regulations are laid down to prevent false or fraudulent conduct of any kind relative to the casting of votes on the part of judges, clerks, and other persons.

Violation of such rules and regulations is declared a felony: Penalty, imprisonment in penitentiary from one to five years.

Violation of such provisions of the act as are otherwise laid down in order to promote the purity of the ballot, and which are hereby declared misdemeanors, is punishable by fine of not less than \$50 nor more than \$500, or imprisonment in county jail not less than one month nor more than one year, or both.

Section 14 declares that any judge or clerk who shall willfully detain any registry book or poll book or any other election paraphernalia, and not cause it to be produced at the polling place at the opening of the polls, or for fifteen minutes thereafter, shall be guilty of a misdemeanor: Penalty, imprisonment in county jail from three months to one year, or fine from \$100 to \$1,000.

Section 15 declares that judges of election failing to keep the ballot box constantly in public view during progress of election, unless overruled by the majority of the judges, are guilty of a misdemeanor: Penalty, fine of \$1,000.

False oath or affirmation where oath is prescribed by this act is declared to be perjury, punishable according to the laws of the State of Illinois for perjury.

NOTE.—Similar so law of 1885 affecting general elections.

Former penalty for felony, imprisonment not less than five nor more than ten years.

Former penalty for misdemeanor, imprisonment from thirty days to one year, or fine not less than \$250 nor more than \$1,000, or both.

Assessment of property.—An act for the assessment of property and providing the means therefor, and to repeal a certain act therein named. (P. 34, approved February 25, 1898.)

Sections of this act provide for the establishment of a board of review, board of assessors, a county assessor and his deputies, with supervisor of assessments, and for the dividing of counties into assessment districts. The power and duties of the board of assessors, county assessors, deputy assessors, and clerks are regulated and

defined. Provision is made for the listing of taxable property and for the valuation of the same.

Section 2 declares that any assessor or deputy assessor willfully refusing or neglecting to observe or follow the directions of the supervisor of assessments shall be fined from \$50 to \$500 or confined in county jail not exceeding six months.

Section 5 declares that any assessor, deputy assessor, or supervisor of assessments or other person whose duty it is to assess property for taxation, who shall refuse or neglect to perform any duty required of him by law, or who shall connive at any evasion of the provisions of this act, shall be fined from \$100 to \$5,000 and imprisoned in county jail not exceeding one year.

Section 19 declares that whoever in making schedules provided for by this act shall swear falsely in any material matter shall be guilty of perjury and punished accordingly.

Section 20 declares that any assessor failing to have assessment schedule signed by person assessed and oath administered as required by law, or failing to make note that the person or proper officer of the corporation refuses so to do, shall be fined from \$100 to \$5,000.

Section 42 declares that any assessor or person failing to obey summons of the board of review without good cause, or refusing to submit to inquiry by said board or any attorney representing them, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500.

Section 44 declares that any assessor, or deputy assessor, or member of board of review, or board of equalization, or other person whose duty it is to assess property for taxation refusing or neglecting any duty required of him by law shall be fined from \$100 to \$5,000, or imprisoned in county jail not exceeding one year, or both.

Section 45 declares that whoever with intent to defeat or evade the law in relation to the assessment of property delivers or discloses to any assessor, or deputy assessor, a false or fraudulent list, return, or schedule of his property not exempted by law from taxation shall be punished by fine not exceeding \$5,000, or imprisoned in county jail not exceeding one year, or both.

NOTE.—New features: Oath of township assessors and their deputies. (See sec. 4 of above act.)

Limits town board of review to summoning of assessors for inquiry as to correctness of valuation. (See secs. 41 and 42 of above act.)

Penalty for perjury in section 26 of act of March 30, 1872, imprisonment from one to fourteen years.

INDIANA.

1897.

Felonies and misdemeanors defined.—All crimes and public offenses which may be punished with death or imprisonment in the State prison shall be denominated felonies; and all other offenses against the criminal law shall be denominated misdemeanors. (Statutes, 1896, sec. 1573.)

Sec. 237. 2. Crimes and misdemeanors shall be defined and punishment therefor fixed by statutes of this State, and not otherwise. (1855, p. 204. In force August 17, 1855.)

Weights and measures.—An act to amend section 1 of an act entitled "An act for the regulation of weights and measures," approved March 9, 1885, and adding a supplemental section thereto, prescribing a penalty for the violation of the provisions of said section 1 of this act, and declaring an emergency. (Chap. 23, p. 24, approved February 11, 1897.)

As amended, section 1 of this act regulates the weight in pounds avoirdupois of certain articles sold by barrel, gallon, ton, and bushel measures.

Section 2 declares that whoever, when buying or selling by weight, buys or sells any of the articles mentioned, or commodities enumerated in section 1 of this act, at a measure differing in weight from the standard measures therein prescribed and fixed, shall be deemed guilty of a misdemeanor: Penalty, fine from \$1 to \$25.

NOTE.—New feature: Addition "of corn in the ear, 70 pounds, until the 1st of December next after it is grown." Penalty attached for violation of provisions.

Fugitives from justice from other States.—An act to regulate the arrest and surrender of fugitives from justice from other States and Territories, and repealing all laws in conflict therewith, and declaring an emergency. (Chap. 38, p. 38, approved February 23, 1897.)

Sections of this act provide for and regulate the issue of a warrant by the governor of the State of Indiana for the arrest of any fugitive from justice from other States

and Territories, and for his retention in jail while waiting for delivery to agent of State or Territory making demand for surrender of such fugitive.

Section 3 declares that if such fugitive be not demanded within thirty days after his commitment, the jailer shall discharge him. (Formerly the time for him to be held was ninety days.)

NOTE.—New feature: Fugitive may be arrested and await action on information given to governor of State or Territory from which he fled. If no requisition is made, the person causing the arrest is liable for costs.

If anyone is held wrongfully, he can bring action for damages in civil suit against person responsible

Measuring wheat.—An act making it unlawful to use for the purpose of testing or determining the weight, grade, or milling or market value of wheat any measure other than the standard half-bushel measure furnished this State by the United States, and making it unlawful to use anything other than a straight stick with the edges squared for leveling the wheat in said half-bushel measure. (Chap. 47, p. 60, a law without the governor's signature.)

Section 1 prohibits the use of any measure for testing or determining the weight of wheat other than the standard half-bushel measure furnished this State by the United States.

Section 2 prohibits the use of anything other than a straight stick with the edges square for the purpose of striking the test.

Violation of provisions a misdemeanor: Penalty, fine from \$10 to \$100, to which can be added imprisonment in the county jail not exceeding six months.

NOTE.—Former penalty did not allow of addition of imprisonment to fine.

Employment of women and children.—An act to regulate the employment of women and children in manufacturing establishments and to provide for the appointment of inspectors to enforce the same. (Chap. 65, p. 101, approved March 2, 1897.)

Sections 1, 2, and 3 of this act prohibit the employment of persons under 16 years of age and women under 18 years of age in any manufacturing establishment where it shall be required to work therein more than sixty hours in any one week, or more than ten hours in any one day unless for the purpose of making a shorter day on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such person or such woman shall so work during such week. Also the employment of any child under 14 years of age in any manufacturing establishment within this State. Also permitting any child under the age of 15 years to have the care, management, or to operate any elevator, or permitting any person under 18 years to operate any elevator running at a speed of over 200 feet a minute.

Provision is also made for recording name, birthplace, age, and place of residence of every person employed under the age of 16 years, list to be posted conspicuously in every room of manufacturing establishment where such children are employed. Children under 16 years of age, who are employed must be able to read English and be physically able to labor; decision to be made by factory inspector.

Following sections provide for the proper inclosure of elevator shaft in manufacturing establishments; for proper and substantial hand rails on stairways; for doors to open outward; for a sufficient number of fire escapes; for the reporting of accident or injury; for the furnishing of belt shifters and guards to machine apparatus; for suitable wash rooms, water-closets, and dressing rooms; for the lime washing or painting of walls and ceiling; for factory inspection and for regulating the air space and ventilation of said manufacturing establishments.

The appointment of a factory inspector is provided for and his duties and powers defined.

Persons under 18 years of age and women under 21 years are prohibited from cleaning machinery while it is in motion.

Not less than sixty minutes shall be allowed for the noonday meal in any manufacturing establishment in the State of Indiana.

Tenement house shops are prohibited except under permit.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine not more than \$50 for the first offense and not more than \$100 for the second offense, to which may be added imprisonment for not more than ten days, and for the third offense a fine not less than \$250 and not more than thirty days imprisonment.

NOTE.—New feature of section 1, the proviso.

Of section 2, prohibiting employment of children under 14 years of age and compelling the reading and writing of English.

Special features of act: Provision for fire escapes, belt shifters, and exhaust fans, and prohibiting woman or child to clean machinery while in motion; also sanitary arrangements and the prohibition of the sweating system.

Appointment of factory inspector by governor for two years with full power to inspect and to report annually; also instigation of proceedings through prosecuting attorney against violators of the law.

Former penalty for violation, fine from \$50 to \$100.

Protection of hotel keepers, etc.—An act for the protection of owners and keepers of hotels, inns, restaurants, boarding and eating houses, defining certain misdemeanors and their penalties, creating liens on certain property, and providing for the enforcement of the provisions hereof. (Chap. 80, p. 123, approved March 3, 1897.)

Section 1 prohibits obtaining food, lodging, or other accommodation at any hotel, inn, restaurant, or boarding house with intent to defraud the owner or keeper thereof. Violation subjects to fine of \$25 or imprisonment in county jail or city workhouse not exceeding sixty days, or both.

Section 2 prohibits removal of baggage from any hotel, inn, restaurant, or boarding house until all claims for bills, lodging, entertainment, or accommodation have been fully paid. Violation subjects to same penalty as mentioned in section 1.

Section 3 provides for lien against personal property and wages due of any person who may owe owner or keeper of hotel, inn, restaurant, or boarding house where accommodation has been provided until claim of said owner or keeper is satisfied; also for sale of said personal property.

Contagious diseases among swine.—An act entitled "An act to prevent the spread of contagious diseases among swine," etc. (Chap. 101, p. 152, approved March 5, 1897.)

Section 1 of this act provides for the disinfection of hog cars and pens.

Section 2 prohibits selling of swine from diseased herd, unless within five days after the first indication that such herd is so infected all well and healthy hogs have been separated from the herd and shipped for market. All breeders and owners of hogs in this State which die with any disease are required to burn each carcass to ashes within ten hours after death.

Section 3 prohibits anyone owning or controlling swine from allowing diseased swine to drink from running streams in this State.

Violation of all provisions of this act declared a misdemeanor: Penalty, fine from \$25 to \$500.

Trusts and combinations.—An act to declare unlawful and void all arrangements, contracts, agreements, trusts, or combinations made with a view to lessen, or which tend to lessen, free competition in the importation or sale of articles imported into this State, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance, reduce, or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this State violating any of the provisions of this act from doing business in this State; to require the attorney-general of this State to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violations of this act; to authorize any person or corporation damaged by any such trust, agreement, or combination to sue for the recovery of such damage, and for other purposes. (Chap. 104, p. 159, approved March 5, 1897.)

Section 1 of this act prohibits the interference with free competition in importation or sale of merchandise by any corporation chartered under the laws of this State; and any corporation violating provisions of this act shall forfeit its charter and franchise, and its corporate existence shall thereupon cease and determine. Violation by any foreign corporation subjects to discontinuance of business in this State.

Section 3 declares that any violation of the provisions of this act is a conspiracy against trade, and any person or persons who may engage in any such conspiracy shall on conviction be punished by a fine from \$100 to \$5,000 and by imprisonment in penitentiary from one to ten years, or by both such fine and imprisonment.

Section 5 provides for the recovery of damages by injured persons.

Section 6 provides for the instruction to grand juries as to the provisions of this act by judges of the circuit courts of this State.

Incest.—An act to amend section 1 of an act entitled "An act to amend section 85 of an act entitled 'An act concerning public offenses and their punishment,' approved April 14, 1881," etc. (Chap. 121, p. 184, approved March 6, 1897.)

As amended section 1 defines the crime of incest with regard to relations existing between parents and children, stepparents and their stepchildren, grandparents and their grandchildren, brothers with sisters, or uncles or aunts with nephews or nieces.

Conviction of such crime as is herein defined subjects to imprisonment in State prison from two years to five years or imprisonment in county jail from six months to twelve months.

NOTE.—New features: Sexual intercourse between grandparents and grandchildren and between uncle or aunt and niece or nephew included in definition of crime of incest.

Warehouse receipts.—An act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States. (Chap. 124, p. 189, approved March 6, 1897.)

Sections of this act prohibit the use of any warehouse receipt by any corporation, firm, or person unless such receipt shall be issued by the warehouseman operating such warehouse; also the use of any false warehouse receipt, or any receipt or certificate that does not plainly designate the number and location of warehouse and set forth therein a full, true, and complete copy of the receipt issued by the warehouseman operating such warehouse wherein such goods, wares, or merchandise are stored or deposited.

Violation, a misdemeanor: Penalty, fine from \$50 to \$1,000, to which may be added imprisonment not exceeding one year.

NOTE.—Former penalty, fine not exceeding \$5,000 and imprisonment in State prison not exceeding five years. (See sec. 6549 of Revised Statutes for 1896.)

Selling cigarettes to minors.—(Chap. 135, p. 205, approved March 6, 1897.)

Section 1 of this act prohibits the sale or gift to minors of any cigarette, cigarette wrappers, or any substitute for either, or to procure for or to persuade or compel any child who is a minor to smoke any cigarette.

Violation subjects to fine from \$10 to \$50 for first offense; for second and subsequent offenses, fine from \$10 to \$500, to which may be added imprisonment not exceeding sixty days.

NOTE.—Former law on sale of tobacco to children under 16 years of age (see secs. 6596 and 6597 of Revised Statutes for 1896). Penalty for violation from \$10 to \$100 and imprisonment from ten to thirty days.

Aiding convicts to escape.—An act to amend section 126, being section 2031 Revised Statutes of 1881, of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881. (Chap. 137, p. 207, approved March 8, 1897.)

As amended, section 126 declares that whoever aids or assists a person lawfully confined in any jail, workhouse, city prison, or other lawful place of confinement to escape therefrom, or in an attempt to escape therefrom, or who shall aid any person away from the control and custody of the keeper of any such jail, workhouse, city prison, or other lawful place of confinement, or shall convey into such place of confinement anything with intent to facilitate the escape of such prisoner, shall be fined from \$50 to \$500 and imprisoned in the county jail from three months to one year.

NOTE.—New features: "Who shall, either within or without the prison, connive at the escape of the prisoner."

Grade crossings.—An act entitled an act on the subject of, and relating to, railroad crossings. (Chap. 157, p. 237, approved March 8, 1897.)

Sections of this act provide for the prevention of railroads crossing at grade when deemed reasonable and practicable by circuit court or judge of the county wherein such crossing is located; for the interlocking of switches when railroads cross each other at grade, or cross a stream by swing or draw bridge which shall render it safe for engines or trains to pass over such crossing or bridge without stopping, such interlocking works or fixtures to be first approved by the auditor of State and a plan filed with him. The auditor of State is empowered to discontinue such interlocking system when in his judgment it is proved to be unsafe.

Further provision is made for petition to auditor of State to establish interlocking switch, and for the hearing and granting of such petition.

Section 4 declares that in case one railroad company or an electric railroad company shall hereafter cross at grade with its track or tracks, the track or tracks of another railroad, the railroad company or the electric railroad company seeking to cross at grade shall be compelled to interlock such crossing to the satisfaction of the auditor of State, and to pay all costs of such appliance, together with the expense of putting them in and the future maintenance and operation thereof.

Section 6 declares that any person, company, or corporation refusing or neglecting to comply with any order made by the auditor of State in pursuance of this act

shall forfeit and pay a penalty of \$500 per week for each week of such refusal and neglect.

NOTE.—New features:

First. Crossing of railroads to be defined by judge of circuit court in an emergency.

Second. "Or any railroad crossing a stream by any swing or drawbridge."

Third. Stopping unnecessary at interlocked crossings.

Fourth. Penalty for violation of provisions.

Vote selling.—An act concerning public offenses and their punishment. (Chap. 158, p. 239, approved March 8, 1897.)

Section 1 of this act prohibits vote selling, or offers to refrain from voting for any candidate at any general or special election, either for money, property, or thing of value, or any promise of reward: Violation subjects to fine from \$10 to \$500, imprisonment in State prison from one year to five years, and rendered incapable of holding any office of trust or profit for any determinate period.

NOTE.—Former penalty, fine from \$10 to \$1,000, and disfranchisement for any determinate period of not less than eight years.

Medicine and Surgery.—An act regulating the practice of medicine, surgery and obstetrics, etc. (Chap. 169, p. 255, approved March 8, 1897.)

Section 1 declares that it shall hereafter be unlawful for any person to practice medicine, surgery, or obstetrics in the State of Indiana without first obtaining a license so to do, as hereinafter provided.

Sections 2 to 5, inclusive, provide for procuring certificate to practice medicine, surgery, or obstetrics in the State of Indiana upon presentation of diploma or license already held to State board of medical registration and examination, and for obtaining license from county clerk upon presentation of certificate from State board of medical registration and examination. Said license must be obtained in county where practicing physician resides, and provision is made for record to be kept by county clerk; for appointment by governor of State board of medical registration and examination, duties and powers of said board relative to issuing certificates by which license is obtained being regulated and defined.

Section 6 provides for obtaining certificate and license to practice midwifery in the State of Indiana.

Section 8 defines practice of medicine.

Section 9 declares that any person who shall practice medicine, surgery, or obstetrics in this State without having a license duly issued as hereinbefore provided, shall be deemed guilty of misdemeanor: Penalty, fine from \$25 to \$200.

NOTE.—New features: Certificate dependent upon State board of medical registration and examination, and presentation of certificate to county clerk necessary to obtain license.

Former penalty from \$20 to \$200.

Class fire insurance companies.—An act for the incorporation of class fire insurance companies on the mutual plan; defining their powers and prescribing their duties, and the duties of the auditor of the State; providing penalties for the violation of this act. (Chap. 172, p. 267, approved March 8, 1897.)

Section 1 provides for the organization of class fire insurance companies, and every company organized under the provisions of this section shall indicate in its title or name the trade and class of property which it shall be organized to insure, and no such company shall insure any property of any other trade or class.

Violation subjects to fine of \$100 for each and every policy issued contrary to provisions of this act.

Mapping coal mines.—An act to compel owners of coal mines to make maps of mines, to file copies of the same with the inspector of mines, to make monthly reports of certain matters to said inspector, providing a penalty for failure to comply with its provisions, and providing an office for the said inspector. (Chap. 173, p. 269, approved March 8, 1897.)

Section 1 provides for the making of accurate maps of coal mines by owner, operator, or agent thereof, and for the depositing copy of map with inspector of mines.

Section 2 empowers inspector of mines to appoint mining engineer to make such survey and maps in case owner of mine refuses so to do.

Section 3 provides for monthly report to be made to inspector of mines of the name of the person in charge of such mine, the number of tons of coal produced at such mine during the preceding month, the amount of wages paid employees during such month, the amount of money expended for improvements during the said month, together with such other information as may be necessary to enable said inspector to prepare his annual report as is now required by law.

Section 4 declares that any person who shall fail, refuse, or neglect to do or per-

form any act or duty required by this act shall be held guilty of a misdemeanor. Penalty, fine from \$5 to \$25.

Mines employing less than 10 men are exempted from provisions of this act.

Unauthorized insurance agents.—An act making it a misdemeanor for any person to represent or advertise himself as the agent of an unauthorized or fictitious insurance company within this State, and declaring an emergency. (Chap. 174, p. 270, approved March 8, 1897.)

Section 1 prohibits any person from representing or advertising himself as the agent of any insurance company which has not complied with the laws of this State. Violation, a misdemeanor: Penalty, fine from \$10 to \$100, to which shall be added imprisonment not exceeding six months.

Section 2 prohibits any person from representing or advertising himself as the agent of any fictitious or spurious insurance company. Violation a misdemeanor: Penalty, same as in section 1.

Elections.—An act concerning elections and the taking of polls, and providing penalties for its violation. (Chap. 179, p. 274, approved March 8, 1897.)

Sections 1 and 2 of this act provide for taking a poll of qualified voters by any political or civic party, association, or organization by issuing certificate to person showing the nature of such employment and the party, organization, or association for which such poll is to be taken.

Persons are required to furnish information and lists to poll taker upon exhibition of his certificate. Violation subjects to fine from \$1 to \$25, to which may be added imprisonment in county jail or workhouse not exceeding ten days.

Section 3 declares that it shall be the duty of each and every poll taker appointed to make a full, true, and complete list of all persons whose names are reported to him as voters, with such comments as he may deem proper as to their respective qualifications.

Withholding information from any poll taker subjects to fine from \$1 to \$25, to which may be added imprisonment not exceeding thirty days.

False information or false statement to poll taker subjects to fine from \$1 to \$25, to which may be added imprisonment not exceeding six months.

False returns by poll taker subjects to fine from \$10 to \$500, to which may be added imprisonment in the county jail or workhouse not exceeding six months.

Owners of bottles and siphons.—An act to protect the manufacturers, bottlers, and venders of mineral waters, both natural and artificial, ale, cider, beer, ginger pop, ginger ale, and other beverages; to preserve their ownership and title of and to the bottles and siphons used by them, etc. (Chap. 192, p. 313, approved March 8, 1897.)

Section 1 provides for filing, publishing, and recording marks and trade-marks used by owners of bottles and siphons in the manufacture and sale of beverages named in this act.

Sections 2, 3, and 4 define the right in which ownership is vested, what is evidence of unlawful possession, and provide for search warrant, arrest of persons holding, and seizure of bottles or siphons held in illegal possession.

Section 5 prohibits unlawful use, possession, sale, or destruction of bottles or siphons. Violation, a misdemeanor: Penalty, fine of \$1 for every bottle so used for first offense, and fine of \$5 for any subsequent offense.

Officer of company or corporation violating provisions of this act is made liable.

NOTE.—To a large extent above act is an enlargement of an act in force March 16, 1875. Provision for search warrant new.

Assessment insurance.—An act concerning organization of corporations, associations, and societies to do business of life or accident, or life and accident, and total and permanent disability insurance on the assessment plan. (Chap. 195, p. 318, approved March 9, 1897.)

Sections of this act regulate the organization, both domestic and foreign, of life and accident insurance companies under license authorizing such companies to do business in the State of Indiana; also the reorganization of existing companies, and provide for business to be done on the assessment plan as herein defined.

Section 9 declares that every life-insurance corporation or society doing business under this act shall, on or before the 1st day of March in each year, file with the auditor of State a report of its affairs and operations during the year. Such report shall be verified by such officers of the corporation or society as the auditor of State may require. Any corporation or society refusing or neglecting to make such report, or to pay the fees required by law, shall be ordered to discontinue business in this State until such report and payment shall be made. Such provisions and penalty are also applicable to accident-insurance companies.

Section 15 prohibits transfer of risks, without approval of a two-thirds vote of meeting of insured persons, unconditionally by companies not authorized to do business in this State under the laws thereof.

Provision is made for examination of accounts of insurance companies by auditor of State.

Section 21 prohibits false statement by any solicitor, agent, examining physician, applicant, or other person, with reference to any application for insurance. Violation, a misdemeanor: Penalty, fine from \$100 to \$1,000, or imprisonment in county jail from one month to one year, or both.

Officers and agents of insurance corporation or associations failing to comply with provisions of this act shall forfeit to the State the sum of \$100 for each offense and cease to do business until new certificate of authority has been duly issued.

NOTE.—Substantially new, though penalty in section 21 corresponds to that provided in revised statutes of 1896, section 3762i, which then was fine from \$100 to \$500, to which might be added imprisonment from thirty days to two years.

Police (chap. 59, p. 90, approved February 28, 1897).—Provides for a metropolitan police force in all cities containing not less than 10,000 inhabitants and not more than 35,000 inhabitants, and for the appointment of a board of metropolitan police commissioners for such cities, defining their duties and prescribing their powers. Defines the duties of the members of the force.

SEC. 8. Any failure to carry out any of the provisions of this section shall be, as against any members of the police force, good cause for removal.

SEC. 10. Any persons or corporations interfering with the board of metropolitan police commissioners in any act of theirs while in the legal discharge of their duties, or shall prevent such board or force from discharging their duties, shall be fined not less than \$100 nor more than \$1,000, to which may be added imprisonment for not less than ten nor more than ninety days for each separate offense.

SEC. 12. It shall be unlawful for any patrolman or other member of said force while on duty to solicit any person to vote at any general or special election for any candidate or candidates for office, or to challenge any voter or in any manner attempt to influence any elector at any election, or to be a delegate of candidate to any political convention. Penalty, fine \$10 to \$50, and dismissal from service.

Labor commission (chap. 88, p. 130, approved March 4, 1897).—The act creates a labor commission, to be composed of two electors of the State.

SEC. 4. It is made the duty of said commissioners, upon receiving creditable information of the existence of any strike, lockout, boycott, or other labor complication in the State affecting the labor or employment of 50 persons or more, to go to the place where such complication exists, put themselves into communication with the parties to the controversy, and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way, they shall endeavor to induce the parties to submit their differences to arbitration.

For the purposes of arbitration two additional members may be added, one to be named by the employer and the other by the employees. Provision is made for procedure and for the finding of the commission.

Sections 9 and 10 provide that the clerk of the circuit court shall record the papers delivered to him. Any person who is a party to the arbitration proceedings may present to the circuit court a verified petition showing that the award has not been complied with, stating by whom and in what respect it has been disobeyed. Thereupon the court, or judge thereof on vacation, shall grant a rule against the party so charged to show cause within five days why said award has not been obeyed. Upon return made to the rule the judge shall determine the questions presented and make such orders as shall give just effect to the award. Disobedience by any party to such proceedings of an order so made shall be deemed contempt of court, and may be punished accordingly; but such punishment shall not extend to imprisonment except in case of willful and contumacious disobedience.

Section 14 provides that if the parties fail to adjust their differences amicably or by arbitration, the commission shall investigate the facts attending the disagreement. The commission shall have power to issue subpoenas, and the circuit court may punish for contempt of such subpoena.

Elections (chap. 131, p. 199, approved March 6, 1897).—Section 3 provides that township trustees shall, by virtue of their office, be inspectors of elections, and shall appoint two qualified electors of each precinct as judges of election. No person shall be eligible as a member of the board of election who has anything of value bet on the result of such election or is a candidate or who is father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, first or second cousin of any candidate at such election. If it is made to appear before or

during an election, by the affidavit of two qualified electors of that precinct, that either of the judges is disqualified under the provisions of this act, the inspector shall at once remove such a judge, and shall fill the place with a qualified person of the same political party. If such judge shall have taken the oath of office, the inspector shall place such oath and affidavit before the next grand jury of the county.

Street railroads (chap. 132, p. 201, approved March 6, 1897).—Amends section 4151 of the Revised Statutes of 1881. Section 9 provides that in cities having a population of 100,000 or more the cash fare shall not exceed more than 3 cents for any one trip, and passengers shall be entitled to a transfer ticket for a continuous trip upon any two of its lines. Railroad companies charging more than 3 cents fare or refusing to transfer passengers shall pay to the person aggrieved the sum of \$100, to be recovered in a civil action, and the city may declare the franchise forfeited.

Section 2 makes it unlawful for any company or any of its officers or servants to collect more than 3 cents for any one trip from a passenger: Penalty, fine \$50 to \$500.

Section 3 punishes an unlawful refusal of transfer by fine from \$50 to \$500.

Compulsory education (chap. 165, p. 248, approved March 3, 1897).—Requires parents or guardians to send children between the ages of 8 and 14 years to a public, private, or parochial school for a period of at least twelve consecutive weeks in each school year.

Section 2 provides that parents or guardians who shall violate the provisions of this act shall be adjudged guilty of misdemeanor: Penalty, fine \$10 to \$50, to which may be added, in the discretion of the court, imprisonment in the county jail from two to ninety days.

Section 8 provides for a parental home for children not over 12 years of age who are truant or incorrigible. With the consent of the school boards and the parent or guardian they may be committed for an indeterminate time. If the parent or guardian refuses consent the circuit or superior court after hearing the case may order the compulsory attendance of such incorrigible or truant in such "parental home" for an indeterminate time not longer than one hundred and twenty days.

School revenue (chap. 188, p. 291, approved March 8, 1897).—Amends section 4477 of the Revised Statutes of 1881. Provides that the auditor shall make a report to the State superintendent of public instruction of the precise amount of school revenue for tuition collected in their respective counties and ready for apportionment and distribution. Neglect or failure of auditors to comply with the provisions of section 4, which requires the auditor to make certain apportionments, distribution, and deductions, a misdemeanor.

Taxation.—An act to amend section 142 of an act entitled "An act concerning taxation," etc. (Chap. 95, p. 141, approved March 4, 1897.)

As amended section 142 provides for the correction of tax duplicate by county auditor if he shall have reason to believe that any real or personal property has, from any cause, been omitted in whole or in part in the assessment of any year or number of years from the assessment book, and empowers him to charge such property and the owner thereof with the proper amount of taxes thereon.

Failure or refusal by county auditor so to do gives right of procedure against such county auditor in any court of competent jurisdiction by mandamus to compel such county auditor to comply with the provisions of this section, said auditor to be liable for all costs of such mandamus suit.

Violation of provisions by any county auditor is declared a misdemeanor: Penalty, fine from \$100 to \$5,000, to which may be added imprisonment in county jail not exceeding one year.

NOTE.—Act of March 6, 1891, section 257, states penalty as follows: Any officer neglecting his duties, guilty of misdemeanor and subject to imprisonment of six months or fine of \$200, or both, and liable to any damage person injured has sustained.

Taxing of dogs.—An act regulating the taxing of dogs, and for the protection of sheep, cattle, horses, swine, and other live stock and fowls; to provide penalties for its violation; to repeal all laws in conflict. (Chap. 119, p. 178, approved March 6, 1897.)

Section 1 provides for a dog tax to be levied and paid to township assessor, and regulates the amount of tax.

Section 2 provides for the giving of receipt by assessor, which shall give full description of dog paid for, and for the keeping of record by township assessor of persons owning dogs and dogs paid for. The tax collected shall be paid over to township trustee, who shall report the amount collected to county auditor.

Section 4 prohibits any person from keeping a dog without payment of tax: Penalty, fine from \$5 to \$20.

Section 5 defines duty of township assessor with regard to keeping of record of dogs upon which tax is unpaid.

Failure of officers to perform duties as above provided subjects to fine from \$10 to \$20.

False statement by dog owner subjects to fine not exceeding \$100.

Keeping of stock-killing dog after knowledge that such dog has killed or maimed stock subjects to fine from \$10 to \$50.

Section 9 declares it a misdemeanor for any person to keep or harbor a dog the tax for which is unpaid: Penalty, fine not exceeding \$10.

Section 10 prohibits any person owning a female dog from allowing such dog to run at large. Violation subjects to penalty of fine from \$5 to \$20.

Further provision is made in this act for the use of money derived by the taxing of dogs; for the report by owner of killed or maimed live stock to the trustee of his township; for fine not exceeding \$100, to which may be added imprisonment in county jail not exceeding thirty days, for false statement in said report.

Section 14 declares that if any dog shall be found roaming over the country unattended by his master or owner or his owner's agent it shall be lawful to kill such dog.

NOTE.—Former penalty for harboring dog tax of which is unpaid, fine not exceeding \$5. Former penalty for keeping dog without payment of tax, fine not exceeding \$100. (See sec. 4.)

Mine bosses, etc.—An act to provide for the examination of mine bosses, fire bosses, and hoisting engineers at coal mines, for issuing certificates of competency or service, prohibiting the employment of persons in either of such capacities without such certificate, and providing penalties for the violation of the provisions of this act. (Chap. 84, p. 127, approved March 4, 1897.)

Section 1 prohibits any person from serving in the capacity of mine boss, fire boss, or hoisting engineer at any coal mine in this State without certificate from inspector of mines, said certificate to be issued upon satisfactory proof of three years' successful service.

Examinations for procurement of certificate are regulated.

Owners, operators, or agents of any coal mine in this State are prohibited from employing mine bosses, fire bosses, or hoisting engineers without certificate.

Violation of provisions of this act, a misdemeanor: Penalty, fine from \$5 to \$50.

NOTE.—New feature: Civil service examination for mine and fire bosses and hoisting engineer.

Statute of 1896, sec. 5472a, provides a penalty of fine from \$10 to \$500 for neglect of duty by mine boss.

Accidents in mines.—An act to amend sections 12, 14, 17, and 24 of an act regulating the weighing of coal, providing for the safety of employees, protecting persons and property injured, providing for the proper ventilation of mines, prohibiting boys and females from working in mines; conflicting acts repealed and providing penalties for violation, in force June 3, 1891, the same being sections 5480M, 5480O, 5480R, 5480Y of the Revised Statutes of 1896. (Chap. 111, p. 168, approved March 6, 1897.)

As amended, section 14 provides for the report to inspector of mines of any accident in coal mine in the State of Indiana, and when loss of life shall occur by reason of such accident said inspector shall immediately go with the coroner to the scene of accident to investigate and ascertain the cause of such loss of life.

Section 17, as amended, provides for the ventilation of mines under direction of mine inspector; mine inspector to bring suit against owner or operator of mine for failure to comply with the provisions regarding ventilation: Penalty, fine not exceeding \$100 for each and every day, or part of day, that said mine was operated contrary to law.

As amended, section 24 declares that for the violation of the provisions of any section of this act, where no special penalty is provided herein, the person or persons violating the same, or any part thereof, shall be held and deemed guilty of a misdemeanor, and shall upon conviction be fined in any sum from \$5 to \$200.

As amended, section 12 defines the duty of mining boss as to safety of mine, and provides for notification when an unsafe place in any mine shall have been reported to him.

NOTE.—New features: Care for accidents and investigation of cause; also immediate notification of coroner in case of death; also notification by mine bosses.

Game laws—Fish.—An act for the protection of fish in the waters of the State of Indiana, and providing a penalty for the violation of its provisions. (Chap. 67, p. 109, approved March 2, 1897.)

Section 1 of this act prohibits the catching, killing, or destruction of any fish in any of the waters of the State of Indiana except Lake Michigan and the Ohio River, and also except any private pond, by means of any spear, net, or trap, dynamite or explosive compounds, or use of poisonous substances, or in any manner whatever except with a hook and line.

Violation, a misdemeanor: Penalty, fine from \$5 to \$100.

NOTE.—Former penalty for killing fish by poisonous agents, fine from \$10 to \$50. For killing with nets or dynamite, fine from \$10 to \$200, with possible imprisonment.

Quail and grouse.—An act to prevent the destruction of quail, ruffed grouse, and pinnated grouse. (Chap. 78, p. 122, approved March 3, 1897.)

Section 1 of this act prohibits any person from pursuing or killing within this State any quail, ruffed grouse, or pinnated grouse, for purposes of sale, barter, traffic, or removal from the State; also sale of same.

Violation subjects to penalty of fine of \$1 for every quail, ruffed grouse, or pinnated grouse so pursued, killed, sold, or removed from this state.

NOTE.—Statute of 1896, section 2112; keeping quail for sale within certain seasons liable to fine of \$1, but section 2115 makes carrying game beyond State subject to fine from \$10 to \$100 for each offense.

Boards of county commissioners.—I. An act providing for the monthly sessions of the board of county commissioners in counties having a population of more than 55,000 and less than 100,000, according to the census of 1890, etc. (Chap. 120, p. 182, approved March 6, 1897.)

Sections of this act provide for the monthly meetings of certain boards of commissioners and for the duration of sessions. The salary of county commissioner is fixed, and it is declared unlawful for any county commissioner to receive any sum in addition to his salary for any services or expenses rendered said county by him in excess of the salary.

Violation of this provision by any county commissioner is declared a misdemeanor: Penalty, fine from \$50 to \$1,000, to which may be added imprisonment in the penitentiary or county jail not exceeding one year, with discontinuance of office for a period not exceeding three years.

NOTE.—New features: Changes in duration of sessions and provision for additional pay as director of turnpike.

II. Chapter 123, page 187, approved March 6, 1897, provides for regular meetings of the board of commissioners in all counties containing a population of more than 50,000 inhabitants. The board shall audit books of the treasurer and auditor. It forbids unlawful allowances and warrants.

County auditors or members of the board of county commissioners violating provisions of the act shall be fined \$50 for each offense, and any such auditor shall be liable on his official bond in double the amount of such warrant, which may be recovered by any taxpayer of the county on giving security for costs for the use and benefit of said county.

IOWA.

1897.

Felony and misdemeanor defined.—A felony is a public offense which is, or in the discretion of the court may be, punished by imprisonment in the penitentiary. (Code 1897, sec. 5093.)

Every other public offense is a misdemeanor. (Sec. 5094.)

Penalties.—When not prescribed by statute, punishment for misdemeanor, "imprisonment in the county jail not more than one year, or by fine not exceeding \$500, or by both." (Sec. 4906.)

The legislature of Iowa in the year 1897 devoted itself to the revision of its code. A statement of the more important changes made in the criminal law has been furnished for this report by Prof. Emlin McClain, LL. D., of the University of Iowa:

As early as in the code of 1851 the whole field of crimes and punishments was covered in Iowa by statutory provisions, and the courts adopted the construction that these provisions were intended to supersede the common law, and that, therefore, common-law crimes were no longer to be recognized except as preserved by the statutory provisions. Therefore, the criminal law of the State is to be found in its code.

In accordance with the previous action of the legislature, a commission reported to the regular session of the general assembly meeting in January, 1896, a complete revision of the code, in which all general statutes of a public nature passed since the adoption of the previous code of 1873 were incorporated, with such modifications in that code and in the session laws as the commission thought wise. The changes which

are noticed in this paper are those which were made by the code commission and adopted by the legislature, or were inserted by the legislators on their own motion in the adoption of the new code, which was completed at the special session commencing in January, 1897, and took effect October 1 of the same year. I have also noticed some legislation which was recently adopted before the passage of the code of 1897 and is incorporated therein.

Murder.—It may be proper to suggest in connection with the provisions as to punishment for murder in the first degree that in 1872 capital punishment, which had before been provided for treason and murder in the first degree, was abolished, but that in 1878 it was restored as to murder in the first degree, with elaborate provisions as to the execution of the death penalty. No change in this respect was made in the code of 1897 except with reference to the details of the method of execution, which is to be at the State penitentiary. (Secs. 4740, 4741.)

Rape.—For two sessions of the legislature prior to the adoption of the code vigorous efforts had been made to raise the age of consent, which was at that time fixed at 13 years. Various changes were suggested and much pressure was brought to bear by ladies representing an association of ladies throughout the United States, and which had appeared before various State legislatures in the same interest, to have the age of consent fixed at 18 years, but, finally, at the regular session preceding the adoption of the code, 16 years was agreed upon, and that is the age specified in the code provision on the subject. The section relating to forcible defilement was also changed by the insertion of the same age, and it was at the same time provided that statutory provisions requiring corroboration of the testimony of prosecutrix in prosecutions for rape and seduction should also apply to prosecutions for defilement. (4756, 4757, 4761.)

Seduction.—There has been in the statutes of the State for a long time a provision by which the marriage of the accused with the prosecutrix shall be a bar to a prosecution for seduction, and in the new code a section is added for the punishment of any man, who having married a woman for the purpose of escaping prosecution for seduction, shall afterwards desert her without good cause. (Sec. 4764.)

Tramps.—Sections were introduced by the legislature into the new code for the punishment of tramps or vagrants who go into unoccupied schoolhouses or other public buildings in the nighttime, or in the nighttime or daytime commit any nuisance or destroy any property in such building, and also for the punishment of persons who unlawfully break and enter any freight or express car in which goods or valuable things are kept for use or transportation. (Secs. 4793–4794.) In another connection all male persons 16 years of age or over physically able to perform manual labor who are wandering about practicing common begging, or having no visible calling, and unable to show reasonable efforts to secure employment, are declared tramps, who may be punished by imprisonment at hard labor in the county jail not exceeding ten days or by solitary confinement in such jail not exceeding five days, and to prevent the custom which was becoming prevalent on the part of magistrates and peace officers of earning enormous fees in the prosecution of tramps special provision was made for the regulation of such fees by county boards of supervisors. (Secs. 5134–5135.)

Dynamiting.—Provisions were inserted for the punishment of any person who with intent to destroy or injure any inhabited dwelling house, building, boat, etc., throws therein or thereunder, or elsewhere about the same, any dynamite or other explosive material. And when by reason of an explosion resulting from such act the death of any person is caused, the wrongdoer is declared to be guilty of murder. (Secs. 4795–4796.)

Malicious injury.—Special provision is made for the punishment of the act of unlawfully tapping telegraph or telephone wires (sec. 4816), and also for willfully entering places of public entertainment to which a fee is charged for admission without the payment of such fee and without leave (sec. 4817). There is also a new provision with regard to maliciously cutting, breaking, or unfastening any tug, strap, line, or any part of any harness attached to any horses or team, or removing or breaking any part of any vehicle. (Sec. 4823.)

Larceny.—The willful taking or converting any logs or lumber in any lake, river, etc., is made larceny and punishment therefor is specially provided, the wrongdoer being at the same time made liable in double damages for the value, and there is a provision specially authorizing a search for logs, lumber, wood, etc., thus taken. (Secs. 4834–4836.) It is also provided that any person who, having before been twice convicted of larceny, is guilty of another crime of larceny shall be deemed a com-

mon thief, the punishment for which offense is fixed at imprisonment in the penitentiary for not more than seven years or a fine not exceeding \$1,000 and imprisonment in the county jail for not more than one year, which is a much more severe punishment than that provided for a single larceny. (Sec. 4846.)

Embezzlement.—There has been in the statutes of the State provision for the punishment of embezzlement committed by any officer, agent, clerk, or servant of any corporation, copartnership, or private person, except persons under the age of 16 years, but a new and very general provision is inserted for the punishment as embezzlement of the fraudulent conversion of property of another delivered to one who converts it. (Sec. 4841.) It is further provided that where embezzlement is committed by a series of acts the total amount of money or value or property embezzled shall be the basis for fixing the punishment. (Sec. 4842.) The provisions as to embezzlement by public officers have related solely to money, but the section describing such embezzlement is now enlarged so as to cover property also, and it is provided that any officer receiving money belonging to the State, municipal corporation, or State institution of which he is an officer, shall be deemed to have received it as such officer, and on failure to account on demand shall be deemed guilty of embezzlement. (Sec. 4840.)

Obscenity and indecency.—The publishing, selling, or distributing indecent or obscene matter is made a penitentiary offense (Sec. 4951), and it is also made punishable to reproduce through a phonograph any indecent, obscene, or immoral language. (Sec. 4958.) A new provision of a similar character is that making criminal the exhibition by kinetoscope or photograph of any representation of a prize fight. (Sec. 4973.) The significance of this last provision will appear from the fact that the code was adopted very soon after the Corbett-Fitzsimmons prize fight at Carson City. The public use of blasphemous or obscene language to the disturbance of the public peace or quiet is also made punishable. (Sec. 5034.)

Pool selling and gambling.—A section similar to that found in the statutes of New York and other States for the punishment of pool selling is inserted in the code. (Sec. 4966.) The provisions for the punishment of three-card monte and other forms of gambling are extended for the purpose of reaching those who aid, encourage, and advise or confederate with anyone committing such an offense. (Sec. 5072.)

Adulteration of food products.—Provisions for punishing the sale of unwholesome or adulterated milk are extended, and it is required that skim-milk cheese, as well as oleomargarine, shall only be sold under labels plainly declaring its character. (Secs. 4989, 4990.)

Opium joints.—The keeping of any shop or other place to be resorted to by others, in which opium or any of its preparations or compounds is sold or given away to be smoked in such place, or allowing opium or any of its products to be smoked in such shop or other place, is made a misdemeanor, and the character of the place may be established by evidence of its general reputation. (Sec. 5003.) The keeping of a place resorted to for the use of opium or hashesh is also declared to be a nuisance. (Sec. 5080.)

Selling of liquors.—In 1894 the prohibitory law which had for some years been enforced in the State, making it criminal to manufacture or sell intoxicating liquors in any form, including wine and beer, except under a permit for medicinal, mechanical, or sacramental purposes, was modified by the adoption of a mulct law under which a tax of \$600 per year was imposed on every person engaged in such sale not having a permit, which tax was made a lien on the premises; and it was provided that where certain conditions as to securing the consent of a majority of the voters and the city council were complied with, the payment of the tax, with such additional license as the city might impose, should be a bar to any prosecution under the prohibitory law. The mulct law was entirely revised in the adoption of the code, but its essential provisions remain unchanged. (Secs. 2432-2455.)

Under similar provisions manufacture of liquor is now permitted. (Secs. 2456-2461.)

Cigarettes.—By a statute passed in 1894 the sale of cigarettes to minors was prohibited. In 1896 the entire sale of cigarettes or cigarette papers was made criminal, and the mulct-tax feature was added, by which any person engaged in such sale was required to pay a tax of \$300 per year, without any provision, however, that the payment of such tax should bar a prosecution for the violation of the statute as to selling. No doubt the tax feature was added to cover sellers dealing in original packages. The courts have since held the seller of original packages not to be punishable under the statute, but the validity of the mulct-tax feature has not been passed upon. (Secs. 5006, 5007.)

Hog cholera.—Several provisions are incorporated in the new code for the purpose of stamping out diseases among hogs, requiring under criminal penalty that the bodies of animals dying from such diseases shall not be sold, but shall be buried. (Secs. 5015-5019.)

Illegal use of labels.—There are special provisions protecting labels adopted by labor unions, and also preventing the use by unauthorized persons of bottles, packages, cases, casks, etc., bearing the stamp or brand of the manufacturer or bottler of waters, beverages, etc. (Secs. 5049-5052.)

Imprisonment.—There are no material changes in the code provisions as to criminal procedure, nor in those as to the control of penitentiaries and the imprisonment of offenders, except that officers having in custody any prisoner under the age of 18 years are required to keep such prisoner separate from those over 18 years of age. (Secs. 5638, 5693.)

1898.

Adulteration of linseed or flaxseed oil (chap. 52, p. 34, approved March 7, 1898).—SECTION 1. No person, firm, or corporation shall manufacture or mix for sale, sell, or offer for sale, as raw linseed oil, any article which is not wholly the product of commercially pure linseed or flaxseed. Nor shall any person, firm, or corporation manufacture or mix for sale, sell, or offer for sale as boiled linseed oil any article, unless the oil from which said article is made be wholly the product of commercially pure linseed or flaxseed, and unless the same has been heated to at least two hundred and twenty-five (225) degrees Fahrenheit.

SEC. 2. Nothing in this act shall be construed as prohibiting the sale or manufacture of any compound of linseed or flaxseed oil, but such compounds shall not be sold under a name containing the words "linseed oil" or "flaxseed oil." Violation, a misdemeanor: Penalty, fine \$50 to \$500, and in default of payment county jail not less than thirty days.

Inspection of nursery stock, San Jose scale (chap. 53, p. 35, approved April 12, 1898).—An act to prohibit the bringing into the State of any nursery stock infested with the San Jose scale, to provide for the punishment thereof, and to prevent the spread of the scale within the State.

SEC. 1. The entomologist of the State experiment station is constituted the State entomologist and charged with the execution of this act. He may appoint assistants and collect certain fees.

Section 2 provides for quarantine of infected nurseries, orchards, etc., and for the treatment of the same.

SEC. 4. It shall be unlawful for any person, firm, or corporation to bring into the State any trees, plants, etc., commonly known as nursery stock, unless accompanied by a certificate of inspection by a State entomologist of the State from which the shipment was made, showing that the stock has been inspected and found apparently free from the scale. Violation of the provisions of this act a misdemeanor: Penalty, fine \$10 to \$100.

Protection of deer, elk, and goats (chap. 65, p. 41, approved March 30, 1898).—SECTION 1. It shall be unlawful for any person other than the owner, or person authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer, elk, or goat except when distrained as provided by law.

SEC. 2. Violation, misdemeanor: Penalty, imprisonment in county jail not exceeding thirty days or fine not exceeding \$100, or both.

Regulating the practice of osteopathy (chap. 69, p. 42, approved March 31, 1898).—An act to regulate the practice of osteopathy in the State of Iowa.

SECTION 1. Any person holding a diploma from a legally incorporated and regularly conducted school of osteopathy of good repute as such, and wherein the course of study comprises a term of at least twenty months or four terms of five months each, in actual attendance at such school, and shall include instructions in the following branches, to-wit: Anatomy, physiology, chemistry, histology, pathology, gynecology, obstetrics, and theory and practice of osteopathy, shall upon the presentation of such diploma to the State board of medical examiners and satisfying such board that they are the legal holders thereof, shall be granted by such board a certificate permitting such person to practice osteopathy in the State of Iowa, upon payment to said board of a fee of twenty dollars, which certificate shall be recorded by the county clerk of the county in which the holder desires to practice, for which he shall receive a fee of one dollar.

SEC. 2. The certificate provided for in the foregoing section shall not authorize

the holder thereof to prescribe or use drugs in his practice, nor to perform major or operative surgery.

SEC. 3. Any person falsely representing himself or herself to be the legal holder of any such diploma, guilty of misdemeanor: Penalty, fine \$50 to \$100.

SEC. 5. The system, method, or science of treating diseases of the human body, commonly known as osteopathy, is hereby declared not to be the practice of medicine, surgery, or obstetrics within the meaning of section twenty-five hundred and seventy-nine (2579), title twelve (XII), chapter seventeen (17) of the code.

Felony, third conviction; petty larceny, fourth conviction (chap. 159, p. 58, approved March 31, 1898).—**SECTION 1.** Whenever any person has been twice convicted of either of the crimes of burglary, robbery, forgery, counterfeiting, larceny where the value of the property stolen exceeded twenty dollars, or of breaking and entering with intent to commit a public offense any dwelling house, office, shop, store, warehouse, railroad car, boat, vessel, or building, in which goods, merchandise, or valuable things, were kept for use, sale, or deposit, or has been convicted of two or more of said crimes, and shall thereafter be convicted of any one of such crimes, committed after such second conviction, he shall be imprisoned in the penitentiary for any term not less than fifteen years, provided such former judgments shall be referred to in the indictment, stating the court, date, and place of rendition.

SEC. 2. Any person over the age of eighteen years who has been three times convicted of larceny where the value of the property stolen did not exceed twenty dollars, upon being convicted the fourth time of said offense shall be imprisoned in the penitentiary not exceeding three years, provided such former judgments shall be referred to in the indictment, stating the court, date, and place of rendition.

SEC. 4. Upon any trial when the indictment refers to former convictions of the defendant, the jury, if it finds the defendant guilty, and the court, if the defendant is convicted on a plea of guilty, must also find and determine specially whether the defendant had previously been convicted of either of the crimes referred to in the indictment and the number of times so convicted.

Illegal voting at primary elections (chap. 111, p. 59, approved April 7, 1898).—**SECTION 1.** Whenever any political party shall hold a primary election for the purpose of nominating a candidate for any public office or for the purpose of selecting delegates to any convention of such party, it shall be unlawful for any person not a qualified elector, or any qualified elector not at the time a member in good faith of such political party, to vote at such primary election. Violation, misdemeanor: Penalty, fine not more than \$100 or imprisonment in county jail not to exceed thirty days.

SEC. 4. Any judge of such primary election shall have power to examine under oath any person offering to vote at such election. Any person testifying falsely shall be deemed guilty of perjury and punished accordingly.

State board of control (chap. 118, p. 62, approved March 26, 1898).—An act to create a State board of control, and to provide for the management and control of the Soldier's Home, the charitable, reformatory, and penal institutions of the State, and to provide for supervisory powers over the State educational institutions, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

An elaborate act providing for a State board of control for the institutions and departments mentioned in the title. It comprises 56 sections.

SEC. 8. The board of control shall have full power to manage and control the soldier's home, the State hospitals for the insane, the college for the blind, the school for the deaf, the institution for the feeble-minded, the soldiers' orphans home, the industrial home for the blind, the industrial school in both departments, and the State penitentiaries.

SEC. 17. The board is forbidden to direct or permit any expenditure in excess of the amount appropriated by law, and the members of the board, its officers and agents, are subject to the provisions of sections 178, 182, 184, 185, 186, 187, and 189 of the code, to the same extent as if said named persons were particularly specified in said sections. "The violation of any of the provisions of either of the sections of the code above named, by any of such named officers or persons shall be deemed a misdemeanor." Penalty, fine \$200 to \$5,000, or imprisonment in the county jail not exceeding one year, or by both.

NOTE.—The sections of the code referred to above relate to the following subjects: Section 178, to accounting for the contingent fund; section 182 provides for the examination into official acts by the joint committee on retrenchment and reform; section 184, books must be open for inspection; section 185, officers are prohibited from making contracts for unauthorized expenditures; section 187, appropriations not to be diverted; section 189, trustees, etc., not to be interested in contracts.

KANSAS.

1897.

Felony and misdemeanor defined.—A felony is an offense punishable by death or confinement and hard labor in the penitentiary. All other offenses are misdemeanors. (General Statute 1897, Vol. II, chap. 102, sec. 5.)

To constitute a public offense a "felony" it is not necessary that it must be punished by imprisonment in the penitentiary. If it may be so punished, it is a felony. (In re Stevens, 52 K, 56.)

When an offense is a misdemeanor, and no punishment is prescribed by statute, "the offender shall be punished by imprisonment in a county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both." (See sec. 370.)

An offense punishable by imprisonment to which no fine is prescribed by law, "a fine may be imposed not exceeding one hundred dollars." (See sec. 371.)

But "the imposition of a fine where the offender is sentenced to confinement and hard labor" is not authorized. (Sec. 372.)

Banks and banking (chap. 47, p. 98, approved March 10, 1897).—The organization, management, control, regulation, and supervision of banks are provided for in the various sections.

False report or statement by officer, director, agent, or clerk of any bank (other than national banks) doing business in the State of Kansas is punishable by fine not exceeding \$1,000 or imprisonment in penitentiary from one to five years. Formerly imprisonment was not to exceed one year.

Section 15 prohibits the receiving of deposits by insolvent banks. Violation by any officer, director, member, or partner of such banks is declared a felony: Penalty, fine not exceeding \$5,000 or imprisonment in penitentiary from one to five years, or both. Formerly imprisonment was not to exceed five years.

Section 16 prohibits transaction of banking business without proper certificate from bank commissioner. Violation, a misdemeanor: Penalty, fine from \$300 to \$1,000 or imprisonment from thirty days to one year, or both.

Failure by bank to make, transmit, or publish report as required by sections 17 and 18 of this act subjects to fine of \$50 for each day after the period respectively therein mentioned that it delays to make and transmit its report.

Refusal by bank doing business in the State of Kansas (except national banks) to comply with requirements lawfully made by bank commissioner for a period of ninety days after demand shall forfeit its franchise, and its authority to transact a banking business shall be revoked.

Section 35 declares that failure or neglect to perform any duty required by this act by banker, officer, employee, director, or agent of any bank is a misdemeanor: Penalty, fine not exceeding \$1,000, or imprisonment in county jail not to exceed one year, or both.

Section 38 declares that every president, director, cashier, teller, clerk, officer, or agent of any bank who embezzles or misapplies any of the funds of the bank or makes use of the name of the bank in any manner with intent to defraud or deceive is guilty of a misdemeanor: Penalty, fine not to exceed \$1,000, or imprisonment in county jail not to exceed one year, or both.

Section 58 declares that any willful neglect on the part of bank commissioner or his deputy to perform any duty provided for by this act, or who shall make any false statement concerning any bank, or guilty of misconduct or corruption in office, is a misdemeanor: Penalty, fine not exceeding \$1,000, or imprisonment in county jail not to exceed one year, or both.

NOTE.—New features: Of section 16, requiring certificate from bank commissioner to transact banking business, with penalty attached for violation; of section 19, penalty for failure to report; of section 38, penalty for intent to defraud or deceive; also of other sections not involving penalty.

Electric-light, gas, and water companies (chap. 82, p. 167, approved March 12, 1897).—Sections of this act authorize cities of first, second, or third class to contract for light, electric power, water, or heat under provisions relative to furnishing statements, etc.

False statement by any officer or manager of corporation so contracted with subjects to fine from \$500 to \$1,000, with forfeiture of right to collect charges.

NOTE.—New as to furnishing of electric power, and restricting powers granted to cities of first, second, or third class.

Discrimination against employees belonging to labor organizations.—An act to prevent the discrimination of corporations or individuals against members of

labor organizations, and providing penalties for the violation of this act. (Chap. 120, p. 226, approved February 18, 1897.)

Section 1 prohibits preventing employees from joining and belonging to labor organizations, and declares that any person or company that coerces or attempts to coerce employees by discharging or threatening to discharge them because of connection with labor organizations shall be deemed guilty of misdemeanor: Penalty, fine from \$50 to \$500, and liability to the person injured in exemplary or punitive damages not to exceed \$2,000.

Obstruction of railroads (chap. 122, p. 228, approved February 18, 1897).—As amended paragraph 2237 of General Statutes of 1889 declares that any person or persons who shall willfully remove, break, displace, or in any manner injure any iron, wooden, or other kind of rail or other branches or branch ways, or any part of the tracks, or any bridge, viaduct, culvert, embankment, parapet, switch, or other fixtures connected with the track or tracks of any railroad in the State of Kansas in actual operation, or who shall willfully obstruct the rails or track of any railroad, shall be punished by confinement at hard labor in the penitentiary not less than five years nor more than ten years: *Provided*, That if any person or persons shall, by committing either or any of the aforesaid offenses, occasion the death of any person he shall be deemed guilty of murder in the first degree, and shall be punished as now provided by law for the punishment of murder in the first degree.

NOTE.—Former penalty for injury to railroad tracks or fixtures imprisonment from one to ten years. Formerly when death was occasioned offender was declared to be guilty of murder in first or second degree or manslaughter, according to the nature of the offense.

Special deputies, etc. (chap. 124, p. 230, approved March 13, 1897).—Section 1 prohibits the appointment of persons to office of special deputy, marshal, or policeman who is not a resident of the State of Kansas.

Section 2 prohibits bringing or importing into the State of Kansas any person or persons for the purpose of discharging duties devolving upon sheriffs, deputy sheriffs, policemen, constables, or peace officers.

Section 3 prohibits any person or persons without authority from exercising or attempting to exercise functions of deputy sheriff, marshal, policeman, constable, or peace officer.

Violation, a misdemeanor: Penalty, imprisonment from three months to one year.

Violation of the provision of section 2 subjects to fine of \$10,000. Employment of private detectives is declared a felony: Penalty, imprisonment at hard labor from one year to five years.

Elections.—An act to amend chapter 78 of the session laws of 1893, entitled "An act to provide for the printing and distribution of ballots at the public expense, and for the nomination of candidates for public offices, etc." (Chap. 129, p. 250, approved March 13, 1897.)

Sections of this act, which, as stated, amends a former act, deal in detail with the manner of holding general or special elections in the State of Kansas, provide for the nomination of candidates for public offices, and describe the ballot system to be adopted, printing and distribution of ballots to be at public expense.

Section 24 declares that any person entitled to vote at a general election in this State shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours in order to cast his vote. Application for such leave of absence shall be made prior to the day of election, and employer may specify hours of such absence. Refusal by any person or corporation to allow this privilege to employee or subjecting employee to deduction of wages because of such privilege, or in any way attempting to influence the vote of such employee, is declared a misdemeanor: Penalty, fine from \$50 to \$100.

Section 26 prohibits electioneering or soliciting votes on election day within 100 feet of the polls; also interrupting, hindering, or opposing any voter while approaching the polling place for the purpose of voting.

Violation of these provisions subjects to fine from \$25 to \$100 or imprisonment from ten days to thirty days, or both.

Section 27 provides for the secrecy of the ballot. Violation subjects to fine from \$25 to \$100 or imprisonment from ten days to thirty days, or both.

Section 28 prohibits destruction of list of candidates or any card of instruction to voters, or in any way hindering voters while casting their votes. Violation subjects to fine from \$10 to \$100 or imprisonment from ten days to thirty days, or both.

Section 29 declares that any person who shall falsely make or willfully destroy any certificate of nomination, or suppress any certificate of nomination or nomination papers, or who shall forge the official indorsement on any ballot, or who shall coun-

terfeit any ballot, or destroy or deface any ballot, or delay the delivery of ballots, shall be punished by a fine from \$100 to \$1,000 or imprisonment from one year to five years, or both.

Section 30 declares that any public officer willfully neglecting to perform his duties shall be punished by a fine from \$50 to \$1,000 or imprisonment from one year to five years, or both.

Section 31 declares that township tickets shall not contain the names of the candidates for road overseers, but only a blank space at the bottom in which to write the name of such candidates, and any elector who shall knowingly vote for a candidate for road overseer who is not a resident of the district in which such elector resides shall be guilty of a misdemeanor: Penalty, fine from \$10 to \$100.

NOTE.—New features are introduced, but none that affect penalties.

Salaries of officers. Transportation of convicts.—An act fixing the fees and salaries of certain officers and persons therein named. (Chap. 131, p. 273, approved March 11, 1897.)

Sections of this act fix and regulate the fees and salaries for services rendered to the county of county commissioners, county treasurer, county clerk, county superintendent of public instruction, county attorney, clerk of district court, sheriffs, guards, probate judge, register of deeds, witnesses, jurors, court stenographers, and justices of the peace, and make provisions for assistance and clerk hire.

Section 10 provides for the conveyance of prisoners to the State prison by the sheriff of county and fixes the amount of fee to be paid for such service.

Section 11 declares that any sheriff failing to take all convicts at the same time to the State prison which may be convicted at any one term of court, as herein provided, unless otherwise ordered by the court, or shall demand or receive greater compensation than is herein given, shall be deemed guilty of a misdemeanor: Penalty, fine from \$25 to \$500.

NOTE.—New feature: Penalty as provided in section 11.

Game Laws—Birds (chap. 1135, p. 293, approved April 14, 1897).—Section 1 prohibits hunting, killing, shooting, or entrapping any partridge, pinnated grouse, or prairie chicken, grouse, quail, pheasant, oriole, meadow lark, robin, thrush, red bird, mocking bird, blue jay, turtle dove, yellow hammer, or blue bird; provided, it shall not be unlawful to shoot grouse and prairie chicken or quail during the months of October and November of each year, and that this act shall not prevent the owner of an orchard from shooting blue jays, orioles, or yellow hammers at any time.

Section 2 prohibits shooting or hunting any wild or game bird upon the premises of another without permission of owner.

Other sections prohibit buying, selling, or the transportation by railroads and express companies of birds named.

Violation of provisions, a misdemeanor: Penalty, fine from \$5 to \$100, and costs.

Section 10 provides for the appointment of game wardens and defines their duties, declaring neglect of duty by such officers a misdemeanor: Penalty, fine from \$5 to \$100, with costs.

NOTE.—New features:

First inclusion of list of birds protected "robin, thrush, turtle dove, yellow hammer," and the two provisions of section 1.

Second, section 9, which deals with prosecution.

Third, Appointment of game wardens.

Fourth, Repealing clause of section 11.

Former penalty for violation, fine not exceeding \$25.

Grain inspection.—An act to establish and regulate a department for the inspection and weighing and grading of grain in the State of Kansas, etc. (Chap. 138, p. 306, approved March 11, 1897.)

Sections of this act establish and regulate the grain inspection department of the State of Kansas, appoint grain inspector, define his duties, and provide for assistant inspectors. A grade for all kinds of grain bought or handled in the State of Kansas is established, which shall be known as "Kansas grades." A monthly report to auditor of state by grain inspector is provided for.

Neglect of duty by grain inspector is declared a misdemeanor: Penalty, fine from \$500 to \$1,000, or imprisonment in county jail from six months to twelve months, or both.

Action by other than qualified inspectors is prohibited, and it is declared that any person who shall assume to act as inspector or weigher of grain who has not first been appointed and qualified in accordance with the provision of this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$500, or imprisonment from three months to six months, or both.

Section 16 declares that any person or any representative of a corporation or associ-

ation who shall bribe or offer to bribe any of the officers created under this act shall be deemed guilty of a felony: Penalty, confinement at hard labor in the penitentiary for a term not exceeding seven years.

Appeal is allowed if decision of assistant inspector is not satisfactory to owner or shipper of grain.

NOTE.—New features:

First. Creation of inspection department.

Second. Prohibition of bribery and penalty attached.

Third. Monthly report to auditor.

Fourth. Right of appeal.

Former penalty for neglect of duty by inspector, fine from \$100 to \$1,000, or imprisonment from thirty days to one year, or both.

Former penalty for action by unqualified inspectors, fine from \$100 to \$200, or imprisonment from thirty days to ninety days, or both.

Protection of grazing land.—An act to protect the grazing land of the following counties of western Kansas: Morton, Stanton, and Hamilton counties, and collecting fees, as provided in this act. (Chap. 139, p. 313, approved March 12, 1897.)

Sections 1 and 2 provide for keeping and herding for grazing purposes cattle, horses, mules, geldings, mares, asses, or sheep in Morton, Stanton, and Hamilton counties by payment of 50 cents annually for each animal so kept and herded, except sheep, payment for which shall be 25 cents per head; also for certifying and filing with county clerk by owner a certificate describing animals, with brands or marks, if any, to be so kept or herded.

Section 5 declares that any nonresident owner or owners of animals specified, or their agents, who shall keep and herd for grazing purposes any animals in counties mentioned without first having filed certificates acknowledging the same and paying amount of money per head as provided for, shall forfeit and pay the sum of \$2 for each and every head of stock so kept and herded, except sheep, upon which animals payment of 75 cents per head shall be required.

Provision is furthermore made for lawful removal of stock by owner desiring so to do.

Blacklisting by employers of labor.—An act to prevent blacklisting by employers of labor, providing penalties therefor, and for the recovery of damages. (Chap. 144, p. 322, approved March 12, 1897.)

Section 1 declares that any employer of labor in the State of Kansas, after having discharged any person from his service, shall not prevent or attempt to prevent by word, sign, or writing of any kind whatsoever, any such discharged employee from obtaining employment from any other person, company, or corporation, except by furnishing in writing, on request, the cause of such discharge.

Section 2 declares that any employer of labor in the State of Kansas shall, upon the request of a discharged employee, furnish in writing the true cause or reason for such discharge.

Violation by any employer of labor, his agent or employee, of the provisions of this act is declared a misdemeanor: Penalty, fine for each offense, \$100 and thirty days imprisonment in county jail, with liability to party injured to an amount equal to three times the sum he may be injured.

Payment of wages.—An act to secure to laborers and others the payment of their wages, and prescribing a penalty for the violation of this act, and repealing sections 2441, 2442, and 2443 of the General Statutes of 1889, and all acts and parts of acts in conflict herewith. (Chap. 145, p. 232, approved March 2, 1897.)

Sections 1 and 2 prohibit payment of wages to employees in other form than lawful United States money, or by check or draft upon some bank in which employer has money upon deposit, and declare void all contracts to pay or accept wages in other than lawful money as specified.

Violation of provisions, a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from thirty days to ninety days, or both.

This act applies only to corporations or business managers employing more than ten persons.

NOTE.—Former penalty, fine from \$20 to \$100 or imprisonment not more than sixty days, or both.

Licenses to ex-union soldiers and sailors to sell goods (chap. 157, p. 336, approved February 21, 1897).—Section 1 declares that from and after the passage of this act all exunion soldiers or sailors of the United States shall be entitled to a license to sell goods, wares, fruits, or merchandise not prohibited by law, in any county or city within the State of Kansas, upon the presentation of his certificate and papers of discharge to the city clerk and showing proofs of his identity as the person named in his certificate of honorable discharge; said license to be free.

Refusal by city clerk to comply with provisions as directed subjects to fine from \$10 to \$50, to which may be added imprisonment not exceeding ten days.

Dead bodies of criminals or unclaimed persons (chap. 158, p. 337, approved March 13, 1897).—Section 1 declares that it shall be lawful for the faculty of any regularly organized medical college in the State of Kansas, authorized by law to confer the degree of doctor of medicine, to claim and receive the dead body of any criminal or unclaimed person which would otherwise be buried in the potter's field, such body to be used within the State for the purpose of the advancement of medical, surgical, and anatomical science and study, and the instruction of doctors and students, provided that the requests and claims of friends are not in any way violated by such disposal of body.

Requisition must be made for said body and receipt therefor given, and record by register kept by secretary of medical college so receiving bodies.

Section 5 declares that every person who shall deliver up a body of any deceased person in violation of the provisions of this act, and any person who shall receive such body in violation of the provisions of this act, or any person who shall refuse or neglect to comply with any of the conditions of this act, shall each be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$200, or imprisonment not exceeding one year.

NOTE.—Embraces some features of former legislation, but the above act is substantially new.

Safety of mines (chap. 159, p. 339, approved March 13, 1897).—Sections of this act provide for and regulate the use of break-throughs in mines; for ample means of ventilation in mines and daily examination of mines with safety lamp; for building of stairways or use of other safe means for hoisting miners; for maintaining airways of sufficient dimensions and examination thereof. Standing or stagnant water, or obstruction of any kind or means, are prohibited. Quarterly reports by operators to mine inspector are provided for.

Section 13 declares that no person employed in any mine shall use any kind of oil other than lard oil for lighting purposes except when repairing down-cast or up-cast shafts.

Power of mine inspector to enforce provisions of this act is authorized. Printed copy of this law must be conspicuously posted at or near top of mines.

Violation of provisions by any owner, operator, agent, or lessee of any mine, or any miner or other employee working therein, is declared a misdemeanor: Penalty, fine from \$100 to \$300, or imprisonment in county jail from 30 days to 90 days, or both.

NOTE.—New as to report by operators to inspector of mines.

Concealing chattel-mortgaged property (chap. 161, p. 348, approved March 13, 1897).—Section 1 declares that any mortgager of personal property who shall injure, destroy, or conceal any mortgaged property, or shall sell or dispose of such property or any part thereof in which the mortgagee has a lien to the amount of \$200 or less, with intent to defraud the mortgagee, shall be convicted and punished for petty larceny. When the lien amounts to over \$200 punishment shall be for grand larceny.

NOTE.—Formerly the offense was a misdemeanor: Penalty, imprisonment not to exceed six months, or fine from \$50 to \$500, or both.

Registration of pharmacists (chap. 164, p. 350, approved March 13, 1897).—Section 1 declares that any holder of a certificate of registration as a pharmacist or assistant pharmacist, heretofore issued under the provisions of section 6042 of the General Statutes of 1889, and remaining uncanceled, shall be entitled to have such certificate annually renewed by registration by the secretary of the board of pharmacy on paying to said secretary an annual fee of \$1, secretary of the board of pharmacy to give notice to this effect to every registered pharmacist and every registered assistant pharmacist. Any person who shall make any false statement in order to secure registration or the continuance of his name upon the register, under the provisions of this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$25 to \$100, with forfeiture of certificate.

As amended, section 6044 of the General Statutes of 1889 requires every registered pharmacist or assistant pharmacist who shall change his place of business to notify the secretary of the board of pharmacy of such change and inclose a fee of 50 cents, and upon receipt of said notice and fee, said secretary shall make the proper alterations in the register, and a list of all persons whose names then rightfully remain upon the register as pharmacists or assistant pharmacists shall be published. Other features of registration are also dealt with.

NOTE.—Substantially a rearrangement of previous enactment without change of fee or penalty.

Free transportation to shippers of stock.—An act to amend chapter 195 of the laws of 1895. (Chap. 167, p. 355, approved February 18, 1897.)

As amended provides for the free passage of shippers of stock who have paid price of shipment by the carload. When more than one carload of stock is shipped free passage shall be given only one additional person for every three carloads.

Railroad companies or corporations refusing to comply with these provisions are liable for damages to shippers. Violation of provisions a misdemeanor: Penalty, fine from \$50 to \$200.

NOTE.—New feature: Penalty attached for violation of provisions.

Railroads prohibited from obstructing public highways (Chap. 169, p. 357, approved March 4, 1897).—Section 1 declares that each and every railroad company, or any corporation leasing or otherwise operating a railroad in Kansas, are hereby prohibited from allowing their trains, engine, or car, to stand upon any public highway, crossing, street, or alley, in any unincorporated town to exceed ten minutes at any one time.

Failure or neglect to comply with section 1 of this act is declared a misdemeanor: Penalty, fine from \$50 to \$300, or imprisonment not to exceed ninety days.

Vestibules on street cars.—An act providing a protection to motorneers on street cars propelled by steam or electric power. (Chap. 172, p. 369, approved March 6, 1897.)

Section 1 declares that it shall be unlawful for any street-car company, or other person, association, or corporation, to own, control, or operate any street-car system in the State of Kansas, to run or operate its cars in the regular service of carrying passengers during the months from November to March, inclusive, of each year without first providing a vestibule or other sufficient shelter for the motorman or other employee used by said company to guide or operate the propelling power used on said car.

Violation, a misdemeanor: Penalty, fine from \$5 to \$25 for each offense, and the operation of a car at any one time during any one day during said months, without providing the vestibule or other shelter shall be deemed a single violation of this act.

School text-books.—An act relating to school text-books for use in the public schools in the State of Kansas. (Chap. 179, p. 377, approved March 13, 1897.)

Sections of this act provide for the creation of a school text-book commission, and regulate the powers and duties of said commission relative to the selection of text-books as to quality and price to be used in the public schools of Kansas, and for the contract of purchase and distribution of the same.

Section 21 declares that any person or persons who shall directly or indirectly demand or receive any money, promise, or any other thing of value for any book or books provided for in this act in excess of the contract price provided for, and any member of any district board or of any school board in any city of the first or second class, or any teacher of any school who shall adopt, use, or permit to be used in any public school of this State, any other text-book or books than those provided for in this act, is guilty of a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment not to exceed ninety days, or both.

Section 22 declares that any member of the commission herein established violating any of the provisions of this act shall be guilty of a misdemeanor: Penalty, fine from \$100 to \$500 and imprisonment in county jail not exceeding one year, with forfeiture of office.

NOTE.—Former penalty for overcharge or use of other books than those provided for, fine the same as above, but imprisonment not less than six months, which applied to any member of the school district board or board of education.

Docking of hogs.—An act to prevent the dockage of hogs, or the inspection of hogs for the purpose of dockage. (Chap. 239, p. 447, approved February 27, 1897.)

Section 1 prohibits the dockage or inspection for the purpose of dockage of any sows offered for sale in any market or public stock yards in the State of Kansas, because of pregnancy, or any stag hogs because of having been used for breeding purposes.

Section 2 defines the term "dock" to mean the deducting of any given weight from the animal in question.

Violation of the provisions of this act subjects to fine from \$200 to \$1,000, or imprisonment from thirty days to one year, or both.

Public stock yards.—An act defining what shall constitute public stock yards, defining the duties of the person or persons operating the same, and regulating all charges thereof, and removing restrictions in the trade of dead animals, and pro-

viding penalties for violations of this act. (Chap. 240, p. 448, approved March 3, 1897.)

Sections of this act define what shall constitute public stock yards, and the duties of persons operating the same. They provide for an annual statement to be filed with the secretary of state, and regulate charges for driving, yarding, watering, and weighing of stock; also the weight and price of hay and corn as feed for cattle in stock yards.

Section 6 declares that it shall be unlawful for the owners or proprietors of any stock yards to prohibit the owner or owners or the representatives of any owner or owners of any dead stock in such yard or yards from selling such dead stock to any person or persons.

Violation of provisions of this act, a misdemeanor: Penalty, fine for first offense not more than \$100; for second offense from \$100 to \$200, and for third offense fine from \$200 to \$500 and imprisonment not exceeding six months for each offense; and for each subsequent offense, fine not less than \$1,000 and imprisonment not less than six months.

Taxes on telegraph and telephone companies (chap. 245, p. 457, approved March 13, 1897).—Sections of this act declare what constitutes telegraph and telephone companies, and provide for the filing of an annual statement with the auditor of state relative to tax and conditions of such companies. A board of assessors is created, and the powers and duties of said board are defined regarding the taxation of property of telegraph and telephone companies.

Failure by any company to file statement as required subjects to fine of \$500, and an additional penalty of \$100 for each day's omission after the 20th day of March to file such statement.

Refusal by any officer, employee, or agent of telegraph and telephone companies to attend before the board when required to do so, or submit for inspection books or papers of company in his possession, or to answer any question put to him by the board touching the business, property, moneys, and credits of the companies is declared a misdemeanor: Penalty, fine not more than \$500, or imprisonment not more than thirty days, or both.

Assessors must report to the auditor of state concerning the property of telegraph and telephone companies in the State of Kansas, and the value of said property shall be apportioned among the counties through which the lines of said companies run.

Trusts.—An act defining and prohibiting trusts, providing procedure to enforce the provisions of this act, and providing penalties for violations of the provisions of this act. (Chap. 265, p. 481, approved March 12, 1897.)

Sections of this act define trusts for the purpose of restricting trade, controlling price of merchandise and rates of insurance thereon, preventing competition, fixing a common standard, figure, etc., and deny the right to form such trusts.

Persons or business corporations violating provisions of this act are prohibited from doing business in the State of Kansas, and are declared guilty of a misdemeanor: Penalty, fine from \$100 to \$1,000, and imprisonment from thirty days to six months, and in addition thereto, for each and every day thereafter that such violation shall be committed or continued, forfeiture and payment of the sum of \$100.

Section 9 declares that it shall be the duty of all State and county officials having notice and knowledge of any violation of the provisions of this act to notify the county attorney of their respective counties and the attorney-general of the State of the fact of such violation, and to furnish them with the names of any witnesses by whom such violations can be proved. Failure to comply subjects to fine from \$100 to \$1,000, with forfeiture of office.

Contempt of court. (chap. 106, p. 205, approved March 9, 1897).—An act to establish trial by jury in cases of contempt of court, and restricting the power of judges and courts in contempt proceedings.

Schools (chap. 181, p. 389, approved February 28, 1897).—Amends chapter 196 of the session laws of Kansas of 1891, relating to the support and maintenance of common schools.

Section 1 provides that the school board shall not create any obligations not provided for in the act, nor shall any bonds of any school district be issued or other obligation be given for the purpose of funding any indebtedness, and any member of the school board who shall be a party to creating any indebtedness for the payment of teachers' wages, repairs, etc., beyond the amount provided in the annual levy, or who shall issue bonds or other obligations of any district for the funding of any such indebtedness, shall be guilty of a misdemeanor: Penalty, fine \$100 to \$500, and shall be personally liable for damages.

KENTUCKY.

1897.

Felony and misdemeanors defined.—Such offenses as are punishable with death or confinement in the penitentiary are felonies. All other offenses, whether at common law or made so by statute, are misdemeanors. (Statutes 1899, sec. 1127.)

If the punishment is a fine or imprisonment, or both, it may be provided that the fine shall be worked out at the rate of \$1 per day. (See secs. 1377, 1378.)

Freedom of speech.—An act to protect the freedom of speech within the Commonwealth of Kentucky. (Chap. 2, p. 2, approved April 16, 1897.)

Section 1 declares that any person or persons who shall be guilty of interfering with any person making a public speech or addressing a public audience within the State of Kentucky, or who shall interrupt such person while speaking by the use of insulting or offensive language, or opprobrious epithets applied to such speaker, or who shall attempt to interrupt or injure such speaker by throwing eggs or missiles of any kind at him, shall be deemed guilty of a high misdemeanor: Penalty, fine from \$50 to \$500, or imprisonment in county jail from one month to six months, or both.

Glanders.—An act to prevent the spread in this Commonwealth of the disease called glanders. (Chap. 3, p. 3, approved April 29, 1897.)

Section 1 declares that when any county judge or justice of the peace is satisfied that an animal has glanders he must order owner to kill and bury it, said animal to be valued by judge and justice of peace or by two justices. The valuation and other facts must be certified to the county court with the name of the owner. A copy of the order shall be given to the owner of diseased animal and the amount certified as valuation thereof be paid: *Provided*, That if the animal is diseased with glanders, and the owner should refuse to destroy the animal on the demand of the county judge or any justice, he shall be subject to a fine from \$100 to \$500.

NOTE.—Based on section 47 of the General Statutes of 1894, which ordered glandered animals to be killed and burned or buried. Owner liable to civil suit for damages. Also on section 1332, declaring that when glandered stock is suffered to run, owner shall be fined from \$20 to \$500.

Coal mined by convict labor.—An act to provide for the marking or labeling of cars, barges, or other conveyances transporting coal mined or coke manufactured by convict labor in other States and brought into this Commonwealth for sale at wholesale or retail therein. (Chap. 4, p. 4, approved April 29, 1897.)

Section 1 declares that all coal mined or coke manufactured by convict labor in any State, and imported, brought, or introduced into the State of Kentucky, shall, during shipment and before being exposed for sale or used in any place within this State have a placard or label attached in a conspicuous place to the car, barge, or other conveyance transporting such coal or coke, marked "Convict-mined coal," or "Convict-made coke," in plain English bold-faced lettering not less than 4 inches in height.

Section 2 prohibits dealing in such convict-mined coal or convict-made coke for the purpose of sale or use except under the conditions herein prescribed.

Violation, a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding twelve months, or both.

NOTE.—New. Penalty the same as for the sale of unlabeled convict goods.

Inspection of nurseries.—An act to provide for the inspection of nursery stock and to prevent the dissemination of noxious insects and fungi. (Chap. 19, p. 25, approved May 20, 1897.)

Section 1 provides for the inspection of all nurseries in the State of Kentucky by the entomologist and botanist of the State agricultural experiment station, who shall notify owners of nurseries and others of the presence of any San José scale or other destructively injurious insects or fungi on the trees, vines, plants, or other stock of such nurseries, and require their destruction.

Shipment or delivery of any stock so affected is declared a misdemeanor: Penalty, fine of \$50.

Section 3 declares that whenever a nurseryman or seller of trees, vines, plants, or other nursery stock, who is a resident of this Commonwealth, shall ship or deliver any such goods, he shall send on each package so shipped or delivered a written certificate signed by him stating that the whole and every part of such stock has been examined by a State or Government entomologist and found free from San José scale or other destructively injurious insect or fungus enemies. Failure to furnish such

certificate or furnishing a false certificate shall render him liable to the penalty of a fine of \$50 for each and every such shipment and delivery without such certificate.

The State entomologist is authorized to make certificate of examination of stock and file similar certificate with commissioner of agriculture, and whenever a nurseryman, fruit grower, or agriculturist in this State shall know that his trees, vines, or plants are affected with San José scale, yellows, rosette, or other destructive insect or fungus enemies he must notify State entomologist, who shall examine and recommend remedy for destruction of the same.

Nursery stock shipped from other States must be labeled as herein provided for.

Prevention of lynching.—An act to prevent lynching and injury to and destruction of real and personal property in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to provide penalties for the enforcement of its provisions. (Chap. 20, p. 29, approved May 20, 1897.)

Section 1 declares that if any two or more persons shall band themselves together for the purpose of intimidating, alarming, disturbing, or injuring any person or persons, or to rescue any person or persons charged with a public offense from any officer or other person having him in lawful custody with the view of inflicting any kind of punishment on him or with the view of preventing lawful prosecution for offense or to do any felonious act, they shall be deemed guilty of felony: Penalty imprisonment from one year to five years.

Section 2 declares that if any two or more persons shall band together and go forth for the purpose of molesting or destroying any property, whether the same be injured or not they shall be deemed guilty of felony: Penalty, imprisonment from one to five years.

Section 3 declares that if injury result to person or property by reason of any unlawful action as before mentioned the ones guilty shall be confined in penitentiary from one to fifteen years unless death should result, in which case the penalty for such offense shall be as now prescribed by law. Persons composing mob shall be liable for damages to owner's property.

Section 4 declares that any officer may summon guards to protect prisoner in his custody, and every person failing or refusing to obey such summons shall be fined from \$100 to \$500.

Further provision is made for the arming of persons in view of their protection, and for the county judge or circuit judge to order guards to protect property.

Section 6 declares that if the county judge, circuit judge, sheriff, or other peace officer shall refuse or fail to discharge any of the duties imposed upon him by the provisions of this act he shall be subject to fine from \$100 to \$500 and forfeiture of his office.

Section 7 declares that any guard summoned by the officer failing or refusing to act without good cause shall be subject to fine from \$5 to \$15 for each day he shall be in default.

The governor is authorized to offer reward and employ detectives for the purpose of more effectually enforcing the provisions of this act.

Section 9 declares that any person sending or circulating any threatening notice or letter shall be subject to fine from \$100 to \$500 and imprisonment in county jail from three months to twelve months.

Payment of wages.—An act concerning the employees and servants in mining work or industry in this Commonwealth. (Chap. 15, p. 59, approved March 12, 1898.)

Section 1 declares that all persons or corporations employing the service of ten or more persons in any mining work or industry in the State of Kentucky shall, on or before the 16th day of each month, pay for the month previous such servant or employees, on his or their order, in lawful money of the United States, the full amount of wages due such servant or employees rendering such service.

Section 2 declares that it shall be unlawful for any person or corporation, employing others as already described, to coerce or require any such servant or employee to deal with or purchase any article of food, clothing, or merchandise of any kind whatever from any person or company or at any place or store whatever. And it shall be unlawful for any such employers, as already described, to exclude from work, or to punish or blacklist, any of said employees for failure to deal with any other or to purchase any article of food, clothing or merchandise from any place or store.

Violation of the provisions of this act is declared a misdemeanor. Penalty, fine from \$50 to \$100.

Sale of fertilizers.—An act regulating the sale of fertilizers in this Commonwealth. (Chap. 18, p. 65, approved March 12, 1898.)

Section 1 provides for a sample of fertilizer to be furnished to the Kentucky agricultural experiment station each year for the purpose of analysis before any such commercial fertilizer shall be offered for sale in the State.

Section 2 provides for labels to be furnished by the director of said experiment station, which shall be attached to every bag or package or quantity of any commercial fertilizer sold or offered for sale in the State of Kentucky.

Selling fertilizers without complying with these provisions subjects to fine from \$100 to \$500.

Further provision is made for free analysis of any fertilizer purchased by person other than dealer or agent, and for the notification to the director as to shipments of fertilizers.

NOTE.—Embraces former legislation, with new features as to affidavit concerning sample, free analysis for purchaser, etc.

Liquor law.—An act to prohibit the sale, barter, or loan of any intoxicating beverage, liquid mixture, or decoction in the local-option districts of this State, and providing a penalty therefor. (Chap. 30, p. 84, approved March 15, 1898.)

Section 1 prohibits the sale, barter, or loan of any intoxicating beverage in any county, city, town, district, or precinct in which the sale, barter, or loan of spirituous, vinous, and malt liquors is or shall be prohibited in accordance with the local-option law.

Violation subjects to fine from \$20 to \$100 for each offense.

NOTE.—Similar to sections 2556 and 2557 of statutes of 1894. Former penalty, from \$100 to \$200 for each offense.

Taxation of corporate franchises.—An act concerning the assessment and valuation for taxation of corporate franchises and intangible property by cities of the first and second class. (Chap. 38, p. 96, approved March 19, 1898.)

Sections of this act provide for franchise taxes to be assessed upon every incorporated bank, trust company, guaranty or security company, gas, water, ferry, bridge, street railway, express, electric light, electric power, telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car, and chair car company, and every other like company, corporation, or association, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, whether organized under laws of the State of Kentucky or any other State; also for annual reports to be made by said corporations, companies, or associations to the city assessor, of facts and condition of business, in order to determine the value of franchises.

After fixing value the city assessor shall immediately notify said corporations and make out tax bills to be listed with tax receiver for collection.

Failure to report by any corporation or officer thereof is declared a misdemeanor: Penalty, fine from \$5 to \$100 for each day report is not made after October 1 of each year.

NOTE.—Former penalty, fine of \$1,000 for each offense, and \$50 for each day that report is not made after October 1 of each year.

Weight of hemp.—An act to fix the hundredweight and ton of hemp and to prescribe a penalty for the violation thereof. (Chap. 41, p. 103, approved March 16, 1898.)

Section 1 declares that the hundredweight of hemp shall consist of 100 pounds avoirdupois, and 2,000 such pounds shall constitute a ton, and all contracts hereafter made shall be so construed.

Violation of this act subjects to fine from \$100 to \$500 for each offense.

NOTE.—New feature: Penalty for violation.

Practice of medicine.—An act to amend an act entitled an act to protect citizens of this Commonwealth from empiricism, approved April 10, 1893. (Chap. 47, p. 119, approved March 18, 1898.)

As amended, section 8 of chapter 179 of acts of 1891, 1892, and 1893 shall read as follows: Any person living in this State or coming into this State who shall practice medicine or attempt to practice medicine in any of its branches, or who shall treat or attempt to treat any sick or afflicted person by any system or method whatsoever for reward or compensation without first complying with the provisions of this law shall, upon conviction thereof, be fined \$50, and upon each and every subsequent conviction be fined \$100 and imprisoned thirty days, or either or both, in the discretion of the court or jury trying the case.

NOTE.—New feature: "or shall treat or attempt to treat any sick or afflicted person by any system or method whatsoever for reward or compensation."

Census of school districts.—An act to amend and reenact section 189 of an act entitled an act for the government of cities of the first class, approved July 1, 1893, the same being section 2974 of the Kentucky statutes. (Chap. 51, p. 132, approved March 21, 1898.)

As amended, provision is made for taking the census in the school districts of cities where free common schools are maintained, lists of which shall be made out in duplicate, one to be filed with the school board and the other forwarded to the superintendent of public instruction.

Any parent, guardian, or head of family refusing to report facts necessary to a full and accurate census is declared guilty of a misdemeanor: Penalty, fine from \$5 to \$25.

Any false enumeration of persons listed is declared a misdemeanor: Penalty, fine from \$5 to \$100, or imprisonment in the county jail from ten days to thirty days.

Adulteration of food.—An act regulating the manufacture and sale of food. (Chap. 52, p. 135, approved March 15, 1898.)

Section 1 prohibits the manufacture or sale of any article of food which is adulterated or misbranded.

Section 2 defines the term "food" and the term "misbranded" as used in this act.

Section 3 declares what shall be deemed adulteration.

Section 4 provides for analysis of food products by the Kentucky Agricultural Experiment Station, and whenever said station shall find by its analysis that adulterated food products have been on sale in the State it shall report such facts to the grand jury.

Said station shall make an annual report to the governor upon adulterated food products.

Section 7 declares that any person who adulterates or misbrands any food as defined in this act, for man or horses or cattle, or offers the same for sale, or sells the same as unadulterated or truly branded, or without disclosing or informing the purchaser that the same has been adulterated or misbranded, shall be subject to fine of \$500 or imprisonment not exceeding one year.

NOTE.—Based on section 1273, Statutes of 1894.

Protecting owners of bottles, siphons, etc.—An act to amend sections 149 and 150 of an act entitled an act relating to crimes and punishment, approved April 10, 1893, now being section 1279 of chapter 36 of the Kentucky Statutes. Chap. 64, p. 158, approved March 25, 1898.

As amended, provides for the branding, stamping, or engraving of the name, names, or other marks of device upon bottles, siphons, tins, or kegs, or the boxes used in manufacturing, bottling, or selling soda waters, mineral aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages or medicines, medical preparations, perfumery, oils, compounds, or mixtures. Also for filing the same with clerk of the county and in office of the secretary of state; and it is declared unlawful to fill such bottles, siphons, etc., with the beverages above named, or to deface or remove any mark or device thereon, or to dispose of or traffic in the same without consent of owner.

Violation, a misdemeanor: Penalty, fine of 50 cents for every bottle, etc., so used, or imprisonment from ten days to one year for first offense; for each subsequent offense, fine from \$1 to \$5 for each bottle, or imprisonment from twenty days to one year.

NOTE.—Amendment so reconstructs former law as to make the above act practically new.

Regulates Practice of Pharmacy.—An act to regulate the practice of pharmacy in the Commonwealth of Kentucky and to establish a board of pharmacy and define the powers and duty thereof. (Chap. 65, p. 164, approved March 25, 1898.)

Section 1 declares that it is unlawful for any person who is not a registered pharmacist within the meaning of this act, to vend at retail, compound or dispense any drug, medicine, chemical, poison, or pharmaceutical preparation for medical use, or compound and dispense physicians' prescriptions. Violation, a misdemeanor: Penalty, fine from \$20 to \$50 for each offense. Formerly the penalty was fine of \$25 for first offense, \$50 for second offense, and \$100 for each subsequent offense.

Section 2 declares that any owner of a pharmacy or retail drug store who, not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy or drug store a registered pharmacist, or any such proprietor who shall, by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending at retail of drugs, medicines, poisons, or pharmaceutical preparations in his store or place of business, except by or in the presence of and under the immediate supervision of a registered pharmacist, shall be deemed guilty of a misdemeanor. Penalty, fine from \$25 to \$100.

Sections 3 to 6 deal with the establishment of the Kentucky board of pharmacy, its meetings, duties as to examination of applicants for registration, prosecutions, keeping of registration books and records, and the salary of its members. Other sections deal with action of pharmacists relative to legislation and receiving of certificate to practice pharmacy in the State of Kentucky.

Section 10 declares that any person who shall procure or attempt to procure registration for himself or for another under this act by making false representations shall be deemed guilty of a misdemeanor: Penalty, fine from \$25 to \$100, and name of person so fraudulently registered shall be stricken from the register. Also that any person not a registered pharmacist as provided in this act who shall falsely use the title of a registered pharmacist shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$200. Also that any registered pharmacist who shall be in the habit of being intoxicated shall be deemed guilty of a misdemeanor: Penalty, fine from \$25 to \$50 for first offense; for second offense, in addition to fine his name shall be stricken from the register and his certificate of registration revoked.

Section 11 declares that any person who shall adulterate or alter, or sell, or offer for sale any drug, chemical, or medicinal preparation, or substitute one material for another with intention to defraud or deceive the purchaser shall be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$500, and if a registered pharmacist his name shall be stricken from the register and his certificate of registration shall be revoked. Formerly fine was \$450 with liability for damages for this offense.

Section 12 prohibits sale of poisons at retail without label upon bottle, box, or vessel containing the same, as herein provided, and defines the meaning of poison under this act and further regulates the sale of poisons. Failure to comply with the requirements of this section is declared a misdemeanor: Penalty, fine not less than \$10.

NOTE.—Several of the sections of this act are entirely new. Others contain new features, as may be seen by comparison with former legislation on this subject.

News associations.—An act to fix the conditions upon which foreign corporations formed for the purpose of or engaged in the business of buying, gathering, or accumulating information or news, or vending, supplying, distributing, or publishing the same, may carry on or transact such or any part thereof in this State and fixing penalties for violation thereof. (Chap. 68, p. 176, passed March 10, 1898.)

Section 1 provides for the vending of news to all newspapers desiring the same, and upon refusal of persons or corporations to vend news in compliance with requirements of this act, said persons or corporations are declared guilty of a misdemeanor. Penalty, fine from \$100 to \$1,000.

Section 4 declares that every telegraph or telephone company, or every association or company engaged in the buying, gathering, or transmitting of dispatches, shall afford the same and equal facilities to all publishers of newspapers, and furnish to all parties collected by them for publication, in any county or locality, to all newspapers there published on the same condition as to terms, payment, and delivery. Violation of any of the provisions of this section is declared a misdemeanor. Penalty, fine from \$100 to \$1,000 with forfeiture of charter if a corporation or association.

LOUISIANA.

1898.

Felonies and misdemeanors.—"All crimes, offenses, and misdemeanors shall be taken, intended, and construed according to and in conformity with the common law of England," etc. (Revised Laws, 1897, p. 257, sec. 976.)

A note or comment following the above section says, "Only the acts denounced as crimes by statute are crimes in Louisiana," etc.

"The term 'felony' has no precise meaning in our laws, the forfeiture of lands and goods which characterizes it in England being abolished. It denotes here a crime of great magnitude, and subject to an infamous punishment—death or imprisonment at hard labor in the penitentiary." 8 R., 529, etc. (Hennen's Digest, vol. 1, p. 356, 4.)

"The dictum of the late court of errors and appeals, that the term 'felony' is unknown to our laws, was unadvised. That term occurs in many of our statutes antecedent to the dictum." (State v. Charlat, 8 R., 529, etc.; p. 357, 12.)

Habitual criminals.—"Power of judges in certain cases.—The judge shall have power to sentence any person who may be convicted for a second or third offense to double and triple the penalty imposed by law; and for a fourth offense the person so convicted may be sentenced to perpetual imprisonment." (Sec. 974.)

Gambling in futures.—An act making it a misdemeanor to deal or gamble in futures on agricultural products or articles of necessity when the intention of the parties is not to make an honest and bona fide delivery. (No. 16, p. 20, approved June 23, 1898.)

Section 1 prohibits dealing or gambling in futures on agricultural products or articles of necessity, where the intention of the parties is not to make an honest and bona fide delivery of said agricultural products or articles of necessity.

Violation, a misdemeanor: Penalty, fine not less than \$25 nor more than \$100, or imprisonment in the parish jail for not less than one month nor more than six months, or both.

Gambling game of craps.—An act to prohibit the gambling game of craps, to make it a misdemeanor, and to provide punishment therefor. (No. 181, p. 428, approved July 14, 1898.)

Section 1 prohibits engaging in the gambling game of craps for money, or any representative of money, or any other consideration whatever.

Violation a misdemeanor: Penalty, fine from \$1 to \$25, or imprisonment from ten days to thirty days, or both.

Section 2 prohibits any owner, lessee, or proprietor of any building from permitting the playing of dice for money upon his premises.

Violation a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment from ten days to thirty days, or both.

NOTE.—Former penalty for engaging in the gambling game of craps, fine from \$10 to \$100, or imprisonment not exceeding ninety days.

Former penalty to owner of premises permitting the playing of dice for money, fine from \$100 to \$500, or imprisonment from thirty days to ninety days.

Gambling with slot machines.—An act to prohibit gambling with slot machines for money prizes, and to prohibit minors from playing same for either stock or money, and providing penalties therefor. (No. 57, p. 81, approved July 8, 1898.)

Sections 1 and 2 prohibit gambling in slot machines for money; also the permission by any owner, lessee, tenant, or proprietor of any premises or building to operate such machine.

Penalty for violation, fine not less than \$25 nor more than \$200, or imprisonment not less than thirty days nor more than ninety days, or both.

Section 3 prohibits permitting minors to gamble with any slot machine, either for money or stock or merchandise.

Violation a misdemeanor: Penalty, fine not less than \$25 nor more than \$100, or imprisonment not less than thirty days nor more than ninety days.

Police jurors.—An act making it unlawful for police jurors to draw money from their parish treasuries other than their per diem and mileage, and prohibiting them from being interested in contracts the payment of which comes out of their parishes; or dealing in their parish paper; and providing penalties for the violation of this act. (No. 22, p. 24, approved June 29, 1898.)

Sections 1 and 2 of this act prohibit police jurors from drawing money from their parish treasuries, either directly or indirectly, other than their per diem and mileage; also prohibit their being interested in any contract the payment of which comes out of the parish, or dealing in their parish paper.

Violation of any of the provisions of this act a misdemeanor: Penalty, fine not less than \$50 nor more than \$100, with removal from office.

Labels, trade-marks, etc.—An act to protect labels, trade-marks, terms, designs, devices, or forms of advertisements, and to provide a penalty for violation thereof. (No. 49, p. 56, approved July 8, 1898.)

Section 1 prohibits counterfeiting or imitating any label, trade-mark, term, design, device, or form of advertisement in use for the purpose of designating any goods, wares, merchandise, or other product of labor; also using, selling, or circulating any counterfeit or imitation of such label or trade-mark.

Penalty for violation, fine not more than \$100, or imprisonment for not more than three months.

Section 3 provides for recording in the office of the secretary of state of labels, trade-marks, terms, devices, or forms of advertisement.

Section 4 declares that any person who fraudulently procures the filing of any label, trade-mark, term, design, device, or form of advertisement shall be liable to pay damages and subjected to fine not exceeding \$100, or imprisonment not exceeding three months.

Section 6 prohibits the unauthorized use or display of the genuine label or trade-mark of another.

Violation of this provision a misdemeanor: Penalty, fine not more than \$100 or imprisonment for not more than three months.

Section 7 prohibits the unauthorized use of the name or seal of any person in and about the sale of goods.

Violation a misdemeanor: Penalty, fine not more than \$100 or imprisonment not more than three months.

NOTE.—New. Marks on bottles and siphons used in manufacture and sale of seltzer and mineral waters protected by act 120, 1896, page 169.

Measurement of saw logs.—An act to adopt a standard scale for the measurement of saw logs and providing penalties for the violation of the same. (No. 64, p. 89, approved July 9, 1898.)

Section 1 declares that what is known as Scribner's Lumber and Log Book, Doyle's Rules, is hereby adopted as the standard scale for the measurement of saw logs; provided, that Scribner's Rule may be used by agreement of both parties and that said measurement shall not apply to cypress timber.

Violation a misdemeanor: Penalty, fine not less than \$50 nor more than \$100, or imprisonment in the parish jail not less than thirty nor more than ninety days.

NOTE.—New features: Exempting cypress timber; adoption of penalty for violating provisions of the act. (See act 87, 1892, p. 111.)

Adulteration of candy.—An act to prevent the adulteration of candy. (No. 68, p. 93, approved July 11, 1898.)

Section 1 prohibits the manufacture for sale or offer to sell any candy adulterated by the admixture of foreign substances detrimental to health.

Violation subjects to fine not less than \$50 nor more than \$100. The candy so adulterated shall be forfeited and destroyed under direction of the court.

NOTE.—Candy not a specified article in laws prohibiting adulteration of drugs, food, and drink.

Receiving stolen goods.—An act to amend and reenact section 832 of the revised statutes of 1870. (No. 72, p. 95, approved July 11, 1898.)

This act declares that section 832 of the revised statutes shall be amended and reenacted so as to read as follows:

"Whoever shall receive, have, or buy any goods, chattels, money, or thing of value that shall have been feloniously taken, stolen, embezzled, or by false pretenses obtained from any other person, knowing the same to have been so taken, stolen, embezzled, or by false pretenses obtained, shall suffer imprisonment, with or without hard labor, not exceeding two years. Whoever shall receive, harbor, or conceal any thief, knowing him or her to be a thief, shall suffer imprisonment not exceeding one year."

NOTE.—As amended this act includes:

First. "Having" stolen goods.

Second. "Money or thing of value" as stolen goods.

Third. Embezzlement of and obtaining by false pretenses.

Former penalty, imprisonment at hard labor not exceeding one year for both offenses, with restoration of stolen goods or payment of double value.

Sale of cocaine.—An act to regulate the sale, gift, or exchange, at retail, of cocaine, and to provide penalties for its violation. (No. 85, p. 110, approved July 12, 1898.)

By this act the selling, giving, or exchanging, at retail, of cocaine, except upon the written prescription of an authorized practicing physician, is prohibited.

Violation, a misdemeanor: Penalty, fine \$25 to \$100 or imprisonment not exceeding thirty days, or both.

Animals dying from contagious diseases.—An act requiring the owners of animals dying from epidemic, infectious, or contagious disease to cause the dead carcass of same to be burned to prevent the spread of such disease, and providing penalties for violation of this act. (No. 89, p. 114, approved July 12, 1898.)

Section 1 declares that it shall be the duty of the owners of all animals dying from epidemic, contagious, or infectious diseases to cause the same to be burned or buried immediately after death.

Violation, a misdemeanor: Penalty, fine not more than \$25 or imprisonment in the parish jail not more than thirty days, or both. The provisions of this act shall not apply to range stock.

Throwing dead animals into rivers, etc.—An act to prohibit the throwing of dead animals into the rivers, bayous, and lakes of this State; and providing penalties for the violation of this act. (No. 90, p. 114, approved July 12, 1898.)

Section 1 prohibits the throwing of dead animals into the rivers, bayous, and lakes of this State.

Violation a misdemeanor: Penalty, fine not more than \$25, or imprisonment in the parish jail not more than 1 month, or both.

NOTE.—Penalty for throwing dead animals within parishes of Jefferson, Orleans, and St. Bernard into the Mississippi River, fine not to exceed \$500, or imprisonment not to exceed thirty days, or both. (See act 14, extra session 1877, p. 19.)

Bigamy.—An act to make the crime of bigamy punishable in the penitentiary and to repeal all laws in conflict with this act. (No. 93, p. 116, approved July 12, 1898.)

Section 1 declares that any person who shall be convicted of the crime of bigamy in this State shall be imprisoned at hard labor in the State penitentiary for a period not less than one year nor more than five years.

NOTE.—Former penalty, fine not exceeding \$500 and imprisonment not exceeding two years.

Time within which judgments shall be rendered.—An act to amend and reenact act No. 72 of the acts of the general assembly of Louisiana, approved July 10, 1884, entitled "An act to prescribe the time within which district judges and judges of the city courts, the parish of Orleans excepted, shall decide cases submitted and taken under advisement by them, and to provide for the rendition of judgments and granting of appeal in such cases out of term time under certain circumstances, and to provide penalties for the violation of this act;" and further, to prescribe the duties of the clerk of court in such cases and to prescribe the penalties for his failure to perform his duties. (No. 94, p. 117, approved July 12, 1898.)

Section 1 limits the time in which judgments shall be rendered by district judges and judges of the city courts to thirty days in cases taken under advisement and motions for new trial and exceptions to ten days, and allows for a ten-days extension of time by the written consent of the attorneys on both sides.

Section 2 provides for the forwarding of their decrees to the clerk of their court by district judges and judges of the city courts, and defines the duty of the clerk of court of receiving such decrees; time is also granted for appeal.

Section 3 makes provision where a case is tried and taken under advisement, the judge dying, resigning, or being removed from office before rendering his judgment.

Section 4 declares that all judges mentioned in the foregoing sections who shall violate the provisions or requirements of the same shall forfeit one quarter's salary for each violation. In addition to this penalty, any judge who shall violate the provisions of this act a second time shall be guilty of nonfeasance in office and shall be subject to impeachment and removal from office.

Section 6 declares that any clerk of the court who shall fail, neglect, or refuse to inform the auditor of public accounts of any failure on the part of the judge of his court to render decisions within the time prescribed in this act shall be deemed guilty of nonfeasance in office, and shall be subject to immediate suspension and removal from office.

NOTE.—As amended, the act is enlarged. Adds penalty against judge violating a second time; also penalty against clerk failing to inform auditor of failure on part of judge of his court.

Mayhem.—An act to amend and reenact section 795 of the Revised Statutes of 1870 of the State of Louisiana. (No. 95, p. 119, approved July 12, 1898.)

As amended and reenacted section 795 of the Revised Statutes of the State of Louisiana reads as follows:

If any person with malice aforethought shall cut or bite off an ear, cut out or disable the tongue while fighting, or otherwise slit, cut, or bite off the nose or lip, or cut off or disable any limb or member of any person, with intention to maim, disable, or disfigure him, he shall, on conviction, pay a fine not exceeding \$1,000, and be imprisoned at hard labor, or otherwise, not exceeding seven years.

NOTE.—Under Revised Statutes, 795, conviction could not be legally had unless it was shown that a piece of the ear sufficiently large to render the injured person less comely and attract attention to him was maliciously severed by the accused.

Insurance.—An act in relation to the organization and operation of State insurance companies, and of insurance companies organized under the laws of other States or countries; to regulate fire insurance and insurance by [sic] lightning or tempest on land; marine insurance, including inland transportation or navigation; insurance guaranteeing the fidelity of persons in position of trust to act as surety on official bonds; to regulate the insurance loss or damage to property or life caused by the explosion of steam boilers; accident insurance; breakage of plate glass, local or in transit; insurance against loss by water to any goods arising from the leakage or breakage of water pipes or sprinklers; relative to elevators, bicycles, and vehicles; to regulate credit insurance or guaranty; life insurance; to regulate generally fire, river, inland navigation or transportation or marine insurance; how local, mutual, and stock companies may be formed, the provisions to be included in their charter; amount of capital stock required; board of directors; how organized, and duties of the same;

officers, how elected and their duties; capital, how invested; restrictions upon business to be carried on; how impairment of capital stock may be remedied; duties of secretary of state; reduction of capital and regulations providing for the examination of companies by the secretary of state, and penalties for the violation thereof, and the relations of insurance companies; relative to companies organized under the laws of other States; to appoint secretary of state attorney to accept service of process; to deposit with secretary of state copy of charter deposit required of companies organized under the laws of foreign countries; providing for the filing of annual statements with secretary of state, relative to compliance with the laws of this State; authorization and penalty for acting as unauthorized agent; prohibiting payment of brokerage, commission, or rebate to any but authorized agents; authorizing revocation of certificate for cause, providing that business must be written by resident agents in this State; authorizing secretary of state to investigate all violations of law and penalty for such violations; reciprocal provisions; advertisements, how made; return premium on unconsumed portion of policy after payment of loss; authorizing secretary of state to make inquiry as he may deem necessary and to examine into financial condition of the companies; the impairment of capital; limit of liability to be assumed on any one risk; penalty for making false oath, and providing that all fines recovered shall be paid to the charity hospital; contracts with unauthorized companies null and void; how reserve required by fire insurance companies shall be computed; tax collectors to require certificate from secretary of state for the purpose of fixing the license; providing for the adoption of the New York standard form of fire-insurance policy; organization and operations of local insurance companies; insurance and reinsurance in unauthorized companies; how regulated; and to regulate generally the business of insurance in this State. (No. 105, p. 132, approved July 13, 1898.)

Article I of this act declares that it shall be lawful for any number of persons not less than fifteen to form insurance companies on the stock plan for the purposes of insuring against loss to life or property by the various agencies named in the act. It provides for the charter of such companies; for the control, organization, and regulation of their business; for examination of organizing and organized companies by the Secretary of State. It prohibits insurance companies from engaging in mercantile or banking business and from holding real estate except for purposes mentioned in section 6 of this act. Dividends of insurance companies are regulated, and the payment of dividends not in accordance with such regulation subjects the company so paying to a fine of \$1,000. Provision is made for the impairment of the capital stock of insurance companies, and the directors of corporations are made liable for losses accruing upon risks not in accordance with this provision. Reduction and increase of capital stock is authorized and regulated. The duties of the secretary of state with regard to insolvent companies are defined, and provision made for appointing a receiver for such insolvent companies. Directors or other officers making or authorizing an investment or loan in violation of section 5 of this act, with regard to the investments of capital stock, are made liable to the stockholders for any loss occasioned thereby; also for losses sustained under insurance authorized when losses are equal to net assets.

Violation of any of the provisions of this act, for which no specific penalty is provided, subjects to fine from \$100 to \$300.

Section 16 of Article I provides for mutual insurance companies.

Article II provides for insurance companies that are organized under the laws of other States or countries, and defines the conditions of their admission to do business in the State of Louisiana.

Article III makes general provisions for insurance companies other than life companies with regard to annual statement, filing of certificates, and agents of said companies. Persons acting as agents without certificate of authority are subject to fine of from \$100 to \$300.

Refusal to comply with the laws of the State relative to insurance companies subjects to fine from \$100 to \$300, or imprisonment from thirty days to ninety days.

Payment of commission or brokerage to any but authorized agent is prohibited. Violation subjects to fine from \$100 to \$250 for each separate offense.

Sections 6 and 7 of Article III provide that no certificate shall be issued for three years to an agent whose certificate has been revoked for cause, and that risks of fire, or fire and marine, or marine insurance companies, shall be written through legally commissioned resident agents. Violation subjects to forfeiture of right to do business in this State for the unexpired term for which it was originally licensed and for twelve months next following thereafter.

The business of insurance companies is still further regulated by provisions and penalties prescribed for violation thereof.

Any insurance company advertising funds or assets in its possession not actually possessed by it and available for the payment of losses and claims and held for the protection of its policy holders or creditors shall be fined \$100 for first offense, and for second and subsequent offenses a fine of \$300 shall be imposed.

In section 24 of Article III the penalty of imprisonment for not less than one year nor more than three years is imposed for false testimony or oath or false entry or memorandum of any of the books or papers of any insurance company.

Section 25 declares that every person or corporation violating any provision of this act for which no penalty is provided shall be fined not less than \$100 nor more than \$300.

NOTE.—While including former legislation with regard to insurance companies, the above act is so enlarged as to be practically new.

State board of appraisers.—An act to carry into effect article 226 of the constitution, to provide for a State board of appraisers and for the assessment of the said board of property belonging to corporations, associations, and individuals employed in railway, telegraph, telephone, sleeping-car, and express business, defining the powers and duties of said board, and to fix the compensation of said board. (No. 106, p. 153, approved July 13, 1898.)

Section 1 provides for meetings of the State board of appraisers.

Section 2 declares who shall be the officers of said board and fixes their salaries.

Section 3 provides for the keeping of records of said board.

Sections 4, 5, and 6 define duties and powers of said board of appraisers, and declare that any person who shall disobey any subpoena or refuse to testify before said board when requested so to do shall be deemed guilty of a misdemeanor: Penalty, fine \$50 to \$1,000 for each offense.

Section 7 declares that assessment of said board shall be final unless suit is brought for reduction before the first Monday of November of the year in which the assessment is made in a court of competent jurisdiction.

Misappropriation of skins.—An act making it a misdemeanor to skin any dead cow, bull, steer, or brute, the property of another, for the purpose of taking said skin and appropriating it to his own use and benefit without the consent of the owner. (No. 109, p. 156, approved July 13, 1898.)

Section 1 prohibits skinning any dead cow, bull, steer, or brute for the purpose of taking said skin and appropriating it to his own use and benefit without the consent of the owner thereof.

Violation a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court, provided that the owner shall have the right to claim the skin where found, without stopping the criminal prosecution.

Smoke consumers required.—An act requiring all persons owning or controlling steam plants, operated in incorporated cities or towns containing 50,000 inhabitants or more, to provide such plant with the necessary appliances to properly consume the smoke of said plants. The appliance adopted to be such as will consume not less than 75 per cent of the smoke, and providing penalties for the neglect or failure to comply with the requirements of this act. (No. 111, p. 157, approved July 13, 1898.)

The owner, manager, director, or agent, or person or persons controlling steam plants now in operation, or which may be hereafter operated within incorporated cities or towns containing 50,000 inhabitants or more, failing to provide their plants with smoke consumers in accordance with the provisions of this act shall subject the person responsible for the control or management of said steam plant to a fine of \$25, or thirty days' imprisonment for each and every day that said plant is operated thereafter without the appliance, said fine to be recoverable before any court of competent jurisdiction.

Carrying concealed weapons.—An act to amend and reenact section 932 of the Revised Statutes of Louisiana. (No. 112, p. 158, approved July 13, 1898.)

By this act section 932 of the Revised Statutes of 1870 is amended and reenacted so as to read as follows:

"Whoever shall carry a weapon or weapons concealed on or about his person, such as pistols, bowie knives, dirks, or any other dangerous weapon, shall, on conviction, suffer fine or imprisonment, or both, at the discretion of the court: *Provided*, That the provisions of this section shall not apply to sheriffs and their deputies, constables, policemen, and town marshals, when in the actual discharge of the official duties: *Provided further*, That the fine shall in no case exceed \$500, and the imprisonment not more than three months."

NOTE.—New feature: Provision exempting sheriffs and their deputies, constables, policemen, and town marshals, when in the actual discharge of the official duties.

Life insurance.—An act relative to life insurance and providing for reports to be furnished the secretary of state, prohibiting payments by dividends or otherwise, unless assets exceed liabilities, penalties for violation thereof, providing for supervision by the secretary of state, and to prevent discrimination against individuals insured. Also providing for a license to transact business; for assessment or cooperative insurance; for authorization from secretary of state; for filing copy of charter and statement of assets and liabilities, the words "issued on the assessment plan" to be written diagonally across the face of the policy; for supervision by the secretary of state; also providing for authority to act as agent; penalty for violations of this section, and providing for an annual report and penalties for violations of the act; and to regulate generally the conduct of life insurance in this State, and repealing all laws in conflict herewith. (No. 114, p. 161, approved July 13, 1898.)

As declared in this act provision is made for the control and regulation of the business of life insurance companies.

Sections 1, 2, and 3 deal with the annual statement to be made by life insurance companies in the State of Louisiana to the secretary of state; for the valuation of policies by said secretary of state; and for the payment of dividends, prohibiting such payments unless assets exceed liabilities.

Any officer or director of life insurance companies violating provisions of the foregoing sections shall forfeit to the State the sum of \$5,000.

Sections 15 to 30 deal with assessment or cooperative insurance companies and regulate their business.

Section 24 declares that any person who shall transact business for any corporation or association embraced by section 1 of this act as an agent thereof within the meaning of this act, without first procuring and having a certificate of authority from the secretary of state to act as such agent, or after such certificate of authority has been suspended or revoked, shall be fined not less than \$100 nor more than \$300.

Section 29 defines the duties of the secretary of state when assessment companies fail to make necessary assessment, and declares that every company or association violating the provisions of this section shall be fined not less than \$100 nor more than \$300.

NOTE.—New. Act No. 39, extra session 1877, page 64, relates to life insurance companies, with which this is comparable.

Floating bridges across the Bayou Teche.—An act to amend and reenact act entitled "An act authorizing the construction of floating bridges across the Bayou Teche, in the parish of St. Mary, with piers and wharves for the same." (No. 119, p. 121, approved July 12, 1898.)

As amended, section 1 of the act authorizes the construction of floating bridges across the Bayou Teche, in the parish of St. Mary, provided that the same shall not impede the navigation or flow of waters to or fro; and that a space not less than 80 feet shall remain to be drawn open in the deepest and most commodious part of the channel for the passage of steamboats, vessels, and other water craft.

Section 2 prohibits willful destruction or injury to said floating bridges, piers, or wharves; and declares that persons so offending shall be liable in damages recoverable before a court having competent jurisdiction.

Pensioning Confederate soldiers.—An act for the pensioning of indigent Confederate soldiers or sailors, veterans, and indigent widows of Confederate soldiers and sailors, as per article 303 of the constitution, and to fix the fees of attorneys or agents for procuring pensions and fixing a penalty for the violation of same. (No. 125, p. 184, approved July 13, 1898.)

Section 1 of this act provides for a board of pension commissioners and defines their powers and duties.

Section 2 declares that a pension allowed to a Confederate soldier or sailor veteran shall not exceed \$8 per month; qualifications for such pension are defined.

Sections 3, 4, 5, and 6 provide for the graduation of the rates of pensioners; for the payment of pensions by warrant on the auditor of the State; for the striking from the pension roll any pensioner who dies or has acquired a competency sufficient for his support; for the keeping of records of pensions by the board of commissioners; for the fixing of attorneys' fees who may prosecute applications for pensions.

Section 7 declares that any person who contracts for or receives more than the legal fees herein fixed for prosecuting pension claims shall be guilty of a misdemeanor. Penalty, fine not less than \$25 and imprisonment not less than ten days.

Commercial fertilizers.—An act to carry into effect article 306 of the constitution of the State of Louisiana; to define the duties and powers of the State board of agriculture and immigration and those of the commissioner of agriculture and immigration in relation to the suppression of adulteration and fraud in the sale of com-

mercial fertilizers in conformity therewith; to provide for the inspection and analysis of all commercial fertilizers sold for use in the State of Louisiana, and for the payment by the seller of the inspection fee therefor; to authorize the appointment of fertilizer inspectors; to provide for guarantees of the component chemicals contained in fertilizers and the affixing of tags to the packages thereof as evidence of the guarantee and inspection thereof; to prohibit the sale of illegal or fraudulent fertilizers, in violation of the provisions of this act, and affixing fines and penalties for the violation of the provisions of this act; to provide for judicial proceedings in rem against fertilizers sold in contravention of this act; to give the commissioner of agriculture and immigration a privilege thereon, and the right to the writ of provisional seizure to conserve said privilege, and to define the methods of said procedure; to provide for suits for the recovery of fines and penalties and injunctions under this act; to provide for the distribution and expenditure of the fees and penalties collected under the provisions of this act, and their appropriation to fertilizer experiment purposes, and to repeal act No. 72 of 1894 in so far as it might operate in the future. (No. 126, p. 186, approved July 13, 1898.)

Section 1 authorizes the State board of agriculture and immigration to control the sale and manufacture of fertilizers and suppress the adulteration of the same.

Section 2 provides that samples of fertilizers for sale in this State shall be submitted to the commissioner of agriculture for inspection and analysis.

Section 3 provides that a certificate shall be furnished by the commissioner of agriculture after examination has been made and prohibits the sale of commercial fertilizers that have not been inspected and analyzed as herein provided for, and without filing statement and receiving certificate as required. Penalty for violation, fine not exceeding \$500.

Section 4 provides for circulars to be issued by the board of agriculture and immigration, or its commissioner, setting forth the brands of fertilizers for sale in this State.

Section 5 declares that tags shall be furnished by the commissioner to be attached to packages containing fertilizers that have been inspected, and fixes his fee for such tags.

Section 6 declares that any person who shall sell any package of commercial fertilizer which has not been tagged as herein provided shall be guilty of a misdemeanor. Penalty, fine in the sum of \$250 for each lot of fertilizer so sold; and with additional penalty of \$5 for omission to tag each package, each omission to constitute a separate offense.

Counterfeiting of said tags is prohibited. Violation, a misdemeanor; penalty, fine not exceeding \$500, which fine may be doubled or tripled at each second or third conviction, and so on progressively for subsequent conviction.

Section 7 provides that packages containing fertilizers shall have printed on them the percentage of valuable ingredients contained therein, to facilitate the analysis by the commissioner. Penalty for omission to comply with above, fine of \$1 for each package sold without such printing upon them.

Following sections authorize commissioner to seize any fertilizers sold in contravention to this act; also to obtain samples for analysis and publish such analysis. They provide for samples of fertilizers to be drawn from packages in the presence of purchaser to submit to commissioner for analysis; prohibit sale of fraudulent fertilizers; prescribe rules and regulations for inspection of fertilizers by commissioner; authorize appointment of clerk; provide for disposition of fees, fines, and penalties, and for an official chemist.

NOTE.—Former penalty for selling fertilizers without inspection, fine of \$1,000.

State militia.—An act relative to the militia of the State, and the Louisiana State National Guard; to enroll and organize the same, and to fix the term of service therein. (No. 133, p. 203, approved July 13, 1898.)

Sections of this act provide for the organization and regulation of the State militia of the State of Louisiana, and define the duties of officers of said State militia.

Independent military organizations without the consent of the governor are prohibited. Violation subjects to penalty of fine not exceeding \$30, or imprisonment not exceeding six months, or both.

Soldiers failing to respond when ordered out shall be subject to fine from \$25 to \$100, or imprisonment in parish jail not less than sixty days.

Any person purchasing or having in possession, without proper authority, any military property belonging to the State, and who shall, after proper demand, refuse to deliver the same to any officer authorized to take possession thereof, shall be deemed guilty of a misdemeanor. Penalty, fine of from \$10 to \$100, or imprisonment not less than ten days nor more than ninety days, or both.

Any member of the State militia who shall, contrary to the lawful order of the proper officer, retain in his possession or control any military property of the State, shall be liable to an action to recover the possession thereof, and to pay a fine of not less than \$10 nor more than \$100, and shall also be deemed guilty of a misdemeanor.

Provision is furthermore made for the supply of all arms and equipments and for quarterly returns to be made to adjutant-general by commanders of companies.

NOTE.—New feature: Prohibition of independent military organizations without the consent of governor, and penalty attached for violation.

Elections.—An act to preserve the purity of the ballot, regulating the manner of holding and conducting elections; by providing an official form of ballot; by prescribing the time and method in which nominations shall be made and certified, for providing for the division of parishes, cities, and town into convenient election precincts; by providing for the appointment of officers to conduct such elections and defining their duties; by prescribing the manner in which the votes of electors shall be taken, and the count and return thereof made; by providing for the punishment of violations of this law, and repealing all laws in conflict with the same. (No. 152, p. 266, approved July 14, 1898.)

The penalties prescribed in sections of this act for violation of provisions made to preserve the purity of the ballot in the State of Louisiana, as stated in the act, are contained in—

Section 18, for false canvass of votes or false returns of the result of any election, declaring such violator guilty of felony, and punishable by imprisonment in State penitentiary for not less than two years nor more than five years.

Section 19, for destroying or mutilating any election documents, or for fraudulent entries therein. Violation is declared a felony, penalty for which is the same as prescribed above.

Section 20, for having intoxicating liquor in polling booth, and refusing to remove such liquor when ordered.

Section 41, for obstructing, hindering, or delaying voters.

Section 42, for attempting to cast illegal votes or attempting to vote in the name of another.

Section 43, for false swearing under provisions of this act.

Section 63, for willfully defacing certificates of nomination.

Section 77, for not maintaining secrecy of ballot.

Section 78, for destruction or defacing of cards or notices for instruction of voters.

Section 79, for delaying, stealing, or destroying election matter by any railway, express, or other common carrier while in transmission.

Violation of any of the provisions above named subjects to fine of not more than \$1,000, or imprisonment for not more than one year.

NOTE.—New features are contained in part of act concerning ballot. Section 79 is new. Similar to act No. 37 of 1896, p. 193.

Registration of voters.—An act relative to the registration of voters throughout the State, and to provide for the appointment of a supervisor of registration for the parish of Orleans, and clerks of registration throughout the State; to fix their compensation; define their duties and powers; to define the duties of certain officers, and to regulate the manner and mode of registering voters throughout the State; to provide for new registration throughout the State, the parish of Orleans included, and to provide for the appointment of special canvassers, and to prescribe penalties for the violation of this act. (No. 199, p. 453, approved July 14, 1898.)

In accordance with the provisions set forth in sections of this act relative to the registration of voters throughout the State of Louisiana penalties are imposed as follows:

In section 7, for false statement by registration officer of the number of voters registered, which violation is deemed a felony, and subjects him to imprisonment at hard labor for a term not exceeding one year.

In section 12, for failure by sheriff, keepers of insane asylums, president of board of health in parish of Orleans to furnish lists to supervisor of registration as required. Penalty, fine of \$25 for each omission to comply with provisions of this section, and also for violation of duties by said supervisor of registration, upon whom shall be imposed a fine of \$1,000 for any such violation.

In section 22 for false returns by police officer or other person designated to take the census of registration. Crime declared a felony: Penalty, fine not less than \$1,000 or imprisonment not less than one year.

In section 25 for false oath to procure certificate of registration. Crime declared a felony: Penalty, fine not less than \$1,000 and imprisonment from one to five years.

In section 27 for fraudulent alteration or destruction of books of registration. Crime, a misdemeanor; punishable by fine or imprisonment.

In section 29 for refusal of clerk of court to issue certified copy of certificate of naturalization when requested by person who has lost said certificate. Failure so to do declared a misdemeanor: Penalty, fine from \$25 to \$100.

In section 30 for fraudulent registration. Crime declared a misdemeanor: Penalty, fine not less than \$500 or imprisonment in parish jail not less than six months, or both.

In section 31 for refusal by assessor, supervisor, or clerk of registration to register qualified voters. Crime, a misdemeanor: Penalty, fine or imprisonment.

NOTE.—Act No. 89 of 1896 is enlarged by above act. Penalties unchanged.

Assessment of taxes.—An act to provide an annual revenue for the State of Louisiana by the levying of annual taxes upon all property not exempted from taxation and by prescribing the method of assessing and collecting the same, and of enforcing payment thereof in the several parishes of the State and setting forth the purposes for which said levy is made. (No. 170, p. 346, approved July 14, 1898.)

Sections of this act provide for an annual tax of six mills on the dollar to be levied on all property situated in this State, except that legally exempted, and define the term property. Also for the assessment and collection of taxes throughout the State of Louisiana; for the listing of property by taxpayers under oath, and declaring that any willful misstatement to the assessor shall be considered and punished as perjury. Further provision is made for the valuation of property by assessors and for examination of books and accounts. Police juries are constituted boards of reviewers, and their duties and powers are defined. Taxpayers are declared to have the right to be heard by committee on assessments and to test correctness of assessments before the courts. Board of assessors also declared to have right to be heard.

Section 27 deals with assessment of national and State banks and declares that any president or other officer who shall refuse or fail to deliver the list of shareholders herein provided for, and said statement of book value and of bank's condition, within the first twenty days of January of each year, to the assessor shall be guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, or both, at the discretion of the court.

Sections 44 and 45 provide for sale of movable property for taxes and for the seizure of such property by tax collector whenever he believes such seizure necessary.

Section 74 prohibits passing act of sale by any recorder, notary, or sheriff without payments of all taxes first being made. Violation a misdemeanor: Penalty, fine from \$100 to \$200.

In section 79 it is declared that any tax collector who, having made his monthly or quarterly settlement, as provided for in this act or in any other acts, shall fail immediately to pay the amount so ascertained to be due into the State or parish treasury, and obtain the treasurer's receipts therefor, shall, in addition to the forfeiture of commission and interest as aforesaid be subject to the penalties provided for embezzlement and to removal from office.

Any district attorney failing to return said money as soon as collected into the State or parish treasury shall be subject to criminal prosecution, and, in addition to the penalties already provided by law for the punishment of fraud and breach of trust, shall, upon conviction, have his name stricken from the roll of attorneys and be prohibited ever afterwards from practicing law in this State.

Section 83 provides that all outgoing tax collectors, except those in the city of New Orleans, shall hand over to the recorders of their several parishes their lists of all unpaid or delinquent taxes as soon as their successors are qualified or they retire or are removed from office, within one month from the day when their successors were duly qualified. Violation subjects to fine of \$5,000 in parish of Orleans; in other parishes of the State to fine of \$1,000.

Failure of tax collector to keep books and records as required subjects to penalty of fine and imprisonment, and failure of parish treasurer to comply with requirements relative to transcribing entries subjects to fine of \$2,000; false swearing by the parish treasurer is declared to be perjury, punishable as directed by the criminal laws of this State.

NOTE.—Embraces former legislation with regard to revenue for State of Louisiana since last general act, No. 85 of 1888. Above act raises the revenue.

Tax collectors (No. 118, p. 176, approved July 13, 1898).—Requires certain State tax collectors to keep special itemized ledger accounts for each person, firm, corporation, or agent assessed.

Violation, guilty of nonfeasance in office and subject to removal.

Importation of insane persons.—An act to prevent the importation of insane persons into the State of Louisiana, providing for the punishment of parties violating

this act and for the removal of such insane persons. (No. 173, p. 422, approved July 14, 1898.)

By this act managers of any public carrier or individuals are prohibited from bringing any insane person who may become a charge upon the State into the State of Louisiana from any other State or country.

Violation subjects to fine of \$100 or imprisonment for sixty days, or both, and any insane person so brought in shall be removed out of the State by and at the expense of the public carrier or individual so offending.

Cleaning of rice.—An act to prevent the use of oil, paraffin, or similar substances in the process of cleaning rice or preparing it for market, for the purpose of increasing its weight, transparency, brilliancy, or for in any manner bettering its appearance. (No. 184, p. 430, approved July 14, 1898.)

Section 1 prohibits the use of paraffin oil or other similar substance in the process of cleaning rice, or in preparing it for market, for the purposes mentioned in act.

Violation, a misdemeanor; penalty, fine not exceeding \$100, or imprisonment not exceeding thirty days.

Trespass.—An act to amend and reenact section 822 of the Revised Statutes of the State of Louisiana. (No. 197, p. 448, approved July 14, 1898.)

As amended and reenacted section 822 of the Revised Statutes of 1870 reads as follows:

"Whoever shall enter upon any plantation, or upon any farm or pasture lands, or upon any grounds upon which crops or fruit of any kind are grown, or into any inclosure, without the permission of the owner or agent thereof expressly given, shall be deemed guilty of a misdemeanor, and shall upon conviction therefor be sentenced by any court of competent jurisdiction in the State to pay a fine not exceeding \$100, or to imprisonment for a term not exceeding thirty days."

NOTE.—New feature: Addition of "or upon any farm or pasture lands, or upon any ground upon which crops or fruit of any kind are grown, or into any inclosure."

Examiner of banks.—An act to put into effective operation article 194 of the constitution of the State, to provide for the commissioning, the salary, bond, and seal of the State examiner of State banks; to define and regulate his powers and duties; to make his official certificates and certified copies of his official documents competent evidence in the courts, and to fix the fees and charges to be paid for the same; to define the duties of all State banks, banking associations, and savings banks in relation to said office; to require quarterly reports from said institutions and from the State examiner of State banks, and to provide for the publication and payment of the expense thereof; to prohibit the taking of pay or gifts for extra services by the examiner; to provide for a biennial report from the examiner, and to provide for the punishment of violations of the provisions of this act. (No. 198, p. 449, approved July 14, 1898.)

Section 1 of this act provides for creating the office of bank examiner and defines his duties and powers.

Section 2 prohibits said examiner from receiving any compensation other than provided in this act. Violation, a misdemeanor; penalty, fine of \$500 or, in default of payment thereof, imprisonment not less than six months or more than one year.

Section 3 regulates examinations made by the State examiner of State banks and provides for the reports and quarterly statement. Any bank, banking association, or savings bank failing to furnish such report or quarterly statement to the State examiner shall forfeit and pay the sum of \$500. Such failure for two successive quarters shall subject said bank or banking association to forfeiture of its charter.

Section 4 defines the duty of the State bank examiner when he suspects any banking association has made an incorrect return, and provides for a biennial report of the examiner to the legislature.

NOTE.—Formerly examination of banks was made by State treasurer and State auditor.

License tax (No. 171, p. 387, approved July 14, 1898).—An elaborate act covering more than 30 pages.

Section 23 empowers the tax collectors to administer oaths. Any tax collector or officer of the State empowered to administer oaths who shall sign any jurat or certify to the correctness of any oath without administering the oath in person to the applicant shall be deemed guilty of a misdemeanor: Penalty, dismissal from office and fine from \$100 to \$1,000. Any false swearing as to the gross receipts of any person or corporation shall constitute a crime of perjury.

SEC. 25. Tax collectors violating any provisions of this act shall be deemed guilty of a misdemeanor, and shall be summarily dismissed from office.

Streets of Baton Rouge (act No. 169, p. 327, approved July 14, 1898).—An extended law incorporating the city of Baton Rouge.

Section 44 forbids any person to lay any pavement, street railroad track, telegraph, telephone, or electric-light poles, or other improvements upon the streets until the lines and levels have been furnished by the city surveyor: Penalty, fine not to exceed \$50; in default of payment, imprisonment not more than thirty days.

Juries (No. 135, p. 216, approved July 13, 1898).—Relates to juries in the State of Louisiana, the parish of Orleans excepted.

Section 12 enacts that it shall be the duty of every person selected to attend as a juror or talesman punctually, and for the time for which he is selected; and the district judge shall have the right to enforce said attendance by issuing a *capias*, and also punishment for nonattendance, by imposing a fine on the delinquent juror of not more than \$50, or imprisonment in the parish jail for not more than three days, or both, in his discretion.

Municipal penalties—New Orleans.—An act to authorize the city of New Orleans, through the several recorders thereof, to enforce obedience to or to punish the violation of all ordinances passed by the council thereof by fine or imprisonment or both, or by imprisonment in default of the payment of the fine. (No. 143, p. 256, approved July 14, 1898.)

By this act the city of New Orleans is authorized to punish the violation of all ordinances passed by the council, as stated, provided that the fine shall not exceed \$25 for each offense, nor the imprisonment for more than thirty days, as provided by section 12 of act 131 of 1877.

New Orleans.—An act to amend and reenact section 101 of the charter of the city of New Orleans, known as act No. 45 of the general assembly of the State of Louisiana, approved July 7, 1896, with reference to paved banquettes in the city of New Orleans. (No. 144, p. 257, approved July 14, 1898.)

As amended, section 101 of act No. 45 of 1896 reads as follows:

All paved or unpaved streets and unpaved banquettes in the city of New Orleans shall be kept in repair by said city, and all paved banquettes in said city shall be kept in repair, and be maintained by the owners of real property fronting thereon. The council shall establish grades and adopt ordinances for the maintenance of sidewalks, to be complied with by the property holders, and enforce observance thereof by fine and imprisonment.

NOTE.—Amendment adds to section 101, "the council shall establish grades and adopt ordinances for the maintenance of sidewalks, to be complied with by the property holders, and enforce observance thereof by fine and imprisonment."

Game laws.—An act for the protection of game, animals, and birds in the State of Louisiana, and fixing fines and penalties for the violation of the provisions of this act. (No. 172, p. 421, approved July 14, 1898.)

Section 1 prohibits catching, killing, or pursuing any wild deer, fawn, wild duck, wild turkey, quail, partridge, dove, or pheasant between April 1 and September 1 of each year.

Section 2 prohibits catching, killing, or pursuing any whip-poor-will, sparrow, finch, oriole, bluebird, swallow, night hawk, mocking bird, or blackbird, except for domesticating purposes, and except when the same shall be destructive to the fruit or grain crop.

Section 3 prohibits robbing or destroying the nests or eggs of any wild bird whatsoever, except those of a predatory nature or those destructive of game and insectivorous birds.

Section 4 prohibits the sale of any animals or birds as far as they are intended to be protected by the provision of this act, birds intended for domestication excepted.

Section 5 prohibits catching or taking by snare, trap, or other means any of the game birds or animals during the time which said animals are intended to be protected by this act.

Section 6 prohibits taking, catching, killing or pursuing game in this State by idlers, vagrants, pot hunters, or professional hunters.

Violation of any of the above provisions is declared a misdemeanor; penalty, fine not to exceed \$50, or imprisonment in the parish jail for not more than sixty days, or both.

NOTE.—Former penalty for destruction of animals and birds named in above act, fine ranging from \$5 to \$50. Imprisonment, only in default of payment, from ten to thirty days.

Poisoning, trapping, etc.—An act to prevent the destruction of fish by poisoning, using dynamite, trapping, hedging, gill netting, or seining, and providing a penalty for the same. (No. 179, p. 426, approved July 14, 1898.)

Section 1 of this act prohibits poisoning, trapping, or destroying with any explosive substance for the purpose of retarding or preventing the free passage of fish in any river, bayou, creek, lake, pond, or stream within the limits of the State of Louisiana in any season of the year.

Violation, a misdemeanor: Penalty, fine not more than \$50 or imprisonment not more than thirty days, or both.

NOTE.—Act No. 132, 1896, page 188, law in charge of grand jurors.

Malicious use of explosives.—I. An act to amend and reenact section 841 of the Revised Statutes of 1870. (No. 188, p. 434, approved July 14, 1898.)

As amended and reenacted, section 841 of the Revised Statutes of 1870 reads as follows:

Every person who shall, in the nighttime, willfully or maliciously set fire to or burn, or blow up or destroy with dynamite, gunpowder, or other explosive substance, or set fire to or explode any explosive substance with the intent to blow up or destroy any house, ship, vessel, steamboat, or other water craft, in which there shall be at the time some human being usually staying, lodging, or residing at night, upon conviction thereof, shall suffer death.

NOTE.—New feature: "Or blow up or destroy with dynamite, gunpowder, or other explosive substance, or set fire to or explode any explosive substance with the intent to blow up or destroy."

II. An act to amend and reenact section 842 of the Revised Statutes of 1870. (No. 151, p. 265, approved July 14, 1898.)

As amended, section 842 of the Revised Statutes of 1870 declares that every person who shall, in the daytime, willfully or maliciously set fire to or burn, or blow up or destroy with dynamite, gunpowder, or other explosive substance with intent to blow up or destroy any house, ship, vessel, steamboat, or other water craft in which some human being shall at the time usually stay, lodge, or reside, upon conviction thereof, shall be imprisoned at hard labor for not less than ten years nor more than twenty years.

It is further enacted that the repealing clause is not to affect crimes already committed.

NOTE.—New feature: "Or blow up or destroy with dynamite, gunpowder, or other explosive substance with intent to blow up or destroy."

III. An act to amend and reenact section 843 of the Revised Statutes of 1870. (No. 160, p. 316, approved July 14, 1898.)

As amended and reenacted, section 843 of the Revised Statutes of 1870 reads as follows:

Every person who shall willfully or maliciously set fire to or burn, or blow up or destroy with dynamite, gunpowder, or other explosive substance, or set fire to or explode any explosive substance, with intent to blow up or destroy, any outhouse, stable, or barn, any shop, store, office, warehouse, sugar house, cotton gin house, cotton press, cotton pickery, schoolhouse, church, or any building of public worship, or any other building or house not embraced and provided for in the two preceding sections, or any ship, vessel, steamboat or other water craft not embraced and provided for in the two preceding sections, shall, upon conviction, suffer imprisonment at hard labor for not less than seven years nor more than twenty years.

IV. An act to amend and reenact section 845 of the Revised Statutes of 1870. (No. 161, p. 317, approved July 14, 1898.)

As amended and reenacted, section 845 of the Revised Statutes of 1870 reads as follows:

Whoever shall attempt willfully or maliciously to set fire to, or to blow up or destroy with dynamite, gunpowder, or other explosive substance, any house, building, ship, vessel, steamboat, or other water craft, shall, upon conviction, suffer imprisonment at hard labor for not less than five years nor more than ten years.

V. An act to amend and reenact section 846 of the Revised Statutes of 1870. (No. 153, p. 292, approved July 14, 1898.)

As amended and reenacted, section 846 of the Revised Statutes of 1870 reads as follows:

Whoever shall maliciously prepare combustible matter or explosive substances and put them in any place with the intent to set fire or to blow up or destroy any house or building, or ship, vessel, steamboat, or other water craft, shall upon conviction, suffer imprisonment at hard labor for not less than five years nor more than fifteen years, although the said person had not yet set fire to the said combustible matter or explosive substance.

Levees.—An act to amend act No. 62, approved July 6, 1892, being an act to amend act No. 5 of the acts of 1892. (No. 196, p. 448, approved July 14, 1898.)

As amended and reenacted, section 1 of act No. 62 of the acts of 1892 provides that any person who shall place in the public levees of the State any rice flume, dahl, pipe, or other conduit, or who shall fail to remove from the levees any existing rice flume, dahl, pipe, or other conduit after being notified to remove the same by police jury or levee board, shall be deemed guilty of a misdemeanor. Penalty, fine not exceeding \$500, or imprisonment not exceeding sixty days, or both.

NOTE.—New feature: Increase of limited territory to which act does not apply, viz, "The Grand Prairie, the Buras."

Grand Prairie Levee (act No. 24, p. 26, approved July 4, 1898).—Creates the Grand Prairie levee district and a commission of five to be appointed by the governor. They shall adopt rules and regulations for a comprehensive levee system and are invested with the control of all the levees in the district. The board is authorized to levy an annual tax of 10 mills on the dollar for levee purposes, also various other assessments on land. They are likewise authorized to levy special taxes on agricultural products and oysters, to be collected before the produce is removed from the parish. The common carriers are not to transport produce upon which the produce tax shall not have been paid. "No railroad, steamboat, or other common carrier shall receive any produce subject to taxation under the provisions of this act without entering the tax on the bill of lading and collecting the same; and it shall be their duty to remit the amount of tax so collected to the tax collector of the parish from which the produce is shipped." Penalty for violation is the payment by the common carrier of double the amount of tax on the produce received and shipped.

An act to create a new levee district, to be styled the Buras. An act similar in general provisions to the above, authorizing contributions on certain products and prescribing the same penalty. (Act 80, p. 103, approved July 11, 1898.)

Buras levy district (act 97, p. 120, approved July 12, 1898).—Authorizes the commissioners for the Buras levee district to issue and negotiate bonds.

Section 6 declares that if any officer charged with the duty of collecting or disbursing the revenues shall neglect to perform his duties the board or any holder of bonds issued under the act may obtain from any judge of the court of competent jurisdiction a mandamus to compel such delinquent officer to proceed to discharge his duties.

LIQUOR LAW.

Liquor laws—Harrisonburg.—An act to prohibit the sale, barter, or exchange, either by wholesale or retail, of intoxicating liquors, either spirituous, vinous, or malt, except for medicinal, scientific, or sacramental purposes, within 5 miles of the Harrisonburg High School, at Harrisonburg, La., and fixing penalties for the violation thereof, due notice having been given of this act by advertisement, in accordance with article 48 of the constitution of this State. (No. 19, p. 22, approved June 23, 1898.)

Section 1 prohibits the sale, barter, or exchange of intoxicating liquors within the district named in act.

Violation, a misdemeanor. Penalty, fine not less than \$50 nor more than \$100, or imprisonment not exceeding sixty days, or both.

NOTE.—New as to district named. "Barter or exchange" not included in similar laws in force in the State of Louisiana.

Penalty same as act No. 73, 1896, page 106, with additional limit of fine, "not less than \$50."

Town of Gibsland.—An act to prohibit the sale, either wholesale or retail, of spirituous liquors, except for medicinal, scientific, or sacramental purposes, within a radius of 3 miles of the Gibsland Normal Institute, situated in the town of Gibsland, parish of Bienville, La., and to provide penalties for the violation of this act. (No. 58, p. 82, approved July 8, 1898.)

Section 1 prohibits the sale of spirituous liquors within the district named in act.

Violation, a misdemeanor: Penalty, fine not less than \$50 nor more than \$100 or imprisonment not exceeding sixty days in the parish jail, or both.

Winnsboro.—An act to prohibit the sale, either wholesale or retail, of spirituous liquors, except for medicinal purposes, within 5 miles of the Winnsboro High School, Winnsboro, Franklin Parish, La. (No. 71, p. 94, approved July 11, 1898.)

Sections of this act prohibit the sale of spirituous liquors within the district named in act.

Violation, a misdemeanor: Penalty, fine not more than \$100 or imprisonment in the parish jail not more than sixty days.

NOTE.—New as to district named. Does not except liquors for sacramental purposes, as do acts Nos. 19 and 58 of this session.

Town of Ruston.—An act to prohibit the sale, either wholesale or retail, of spirituous liquors, except for medicinal, scientific, or sacramental purposes, within 5 miles of the Louisiana Industrial Institute, located in the town of Ruston, Lincoln Parish, La., and to fix penalties for violation of this act. (No. 74, p. 97, approved July 11, 1898.)

Sections of this act prohibit the sale of spirituous liquors within the district named in act.

Violation, a misdemeanor. Penalty, fine not exceeding \$100, or imprisonment not more than 60 days, or both.

Town of Colfax.—An act to prohibit the sale of vinous or intoxicating liquors other than for medicinal, scientific, or sacramental purposes within 5 miles of Colfax High School, situated in the town of Colfax, La., and to fix penalties for the same. (No. 140, p. 253, approved July 14, 1898.)

By this act the sale of intoxicating liquors is prohibited within the district named in act.

Violation, a misdemeanor. Penalty, fine not less than \$200 nor more than \$500, or imprisonment in the parish jail not less than sixty days nor more than ninety days.

Henry.—An act to prevent the sale of all intoxicating liquors as a beverage within 1 mile of the high-school building at Henry, Vernon Parish, La., and to fix penalties for violation of same. (No. 141, p. 254, approved July 14, 1898.)

Section 1 prohibits the sale of intoxicating liquors, other than for medicinal, scientific, or sacramental purposes, within the district named in act.

Violation a misdemeanor; penalty, fine not less than \$25 nor more than \$100, or imprisonment not less than ten days nor more than ninety days.

Fort Jessup.—An act to prohibit the sale, either wholesale or retail, of spirituous, vinous, or intoxicating liquors, except for medicinal, scientific, or sacramental purposes, within 5 miles of the Central High School at Fort Jessup, Sabine Parish, La., and to fix penalties for the violation of this act. (No. 174, p. 423, approved July 14, 1898.)

By this act the sale of intoxicating liquors is prohibited within the district named in the act.

Violation a misdemeanor; penalty, fine from \$100 to \$500, or imprisonment from one day to twenty-five days, or both.

MAINE.

1897.

Felony.—The term "felony" includes every offense punishable by imprisonment in the State prison. (R. S. 1883, p. 930, sec. 9.)

No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case.

When no punishment is provided by statute, a person convicted of an offense shall be imprisoned for less than one year or fined not exceeding \$500. When it is provided that he shall be punished by imprisonment and fine, or by imprisonment or fine, he may be sentenced to either or both. In all cases where a fine is imposed he may be sentenced to pay costs of prosecution. (R. S., p. 947, sec. 1.)

Forgery.—An act to amend section 1 of chapter 121 of the Revised Statutes, relating to forgery. (Chap. 176, p. 214, approved February 8, 1897.)

The section as amended prohibits the forgery of and publishing as true forged public records or proceedings filed or entered in any court, or any attestation or certificate, or any charter, deed, will, testament, bond, or any written instrument whatsoever. Violation subjects to imprisonment for a term not exceeding ten years.

NOTE.—Former penalty, imprisonment from two years to ten years.

Polygamy.—An act to amend section 4 of chapter 124, Revised Statutes, relating to polygamy. (Chap. 184, p. 218, approved February 15, 1897.)

As amended, the section named in act reads as follows: If any person, except one legally divorced, or one whose husband or wife has been continually absent for seven years, and not known to him or her to be living within that time, having a husband or wife living, marries another married or single person; or if any unmarried person knowingly marries the husband or wife of another, when such husband or wife is

thereby guilty of polygamy, he or she shall be deemed guilty of polygamy and punished by imprisonment for not more than five years or by fine not exceeding \$500.

NOTE.—The amendment annuls that of 1885 and revives the original section of Revised Statutes, 1883, chapter 124, section 4.

Railroads.—An act additional to chapter 51 of the Revised Statutes, relating to railroads. (Chap. 186, p. 219, approved February 16, 1897.)

Sections 1 to 5 declare the right of railroad corporations operating or owning majority of stock in other roads to hold or purchase shares of such roads; also to take land needed for improving roads when unable to agree with owner, railroad commissioners determining the manner of taking such land. The right to increase capital stock beyond the amount first authorized in certain cases is allowed, certificate of increase, and how proceeds shall be applied, to be filed in the office of the secretary of state.

Section 6 declares how stock issued under provisions of this act shall be sold.

Violation by any member of the board of directors, or any treasurer or other officer or agent of any railroad company in issuing stock, subjects to fine not exceeding \$1,000 or imprisonment not exceeding one year, or both.

Fees collected by trial justices.—An act to amend section 7 of chapter 136 of the revised statutes, as amended by section 1 of chapter 308 of the public laws of 1885, relating to fines and forfeitures collected by trial justices or judges of municipal and police courts. (Chap. 198, p. 228, approved February 24, 1897.)

As amended the section named in act reads as follows: Every trial justice or judge of a municipal or police court shall render, under oath, an account of all fines and forfeitures upon convictions and sentences before him, and pay them over within two months after he receives the same to the treasurer of the town if they accrue to the town and to the treasurer of the county if they accrue to the State or county, or any corporation, person, society, or association, in whole or in part, for the use of the party entitled thereto; and for any neglect in making such payments he forfeits in each instance double the amount so neglected to be paid over, to be recovered by indictment for the parties entitled to such fines and forfeitures, and in default of payment, according to the sentence of the court, he shall be imprisoned in jail not exceeding six months.

Sinking funds.—An act authorizing towns and cities to establish sinking funds. (Chap. 208, p. 233, approved March 3, 1897.)

Section 1 authorizes towns and cities to create a sinking fund for the payment and redemption of indebtedness, such sinking fund to be used for no other purposes than those provided for in this act. Any town officer who shall use or appropriate the moneys or securities which compose such sinking fund in any other manner or for any other purpose than as provided by this act shall be punished by fine not exceeding \$2,000 or by imprisonment for not more than two years.

Protection of girls.—An act for the better protection of girls. (Chap. 213, p. 237, approved March 8, 1897.)

By this act girls between the ages of 14 and 16 years are protected, and whoever being more than 21 years of age has carnal knowledge of the body of such girls shall be punished by fine not exceeding \$500 or by imprisonment for not more than two years.

Intoxication.—An act to amend section 6 of chapter 132 of the Public Laws of 1891, relating to punishment for intoxication. (Chap. 278, p. 299, approved March 25, 1897.)

As amended the section named in act provides that the punishment for the second or any subsequent conviction for the offense of intoxication shall be by imprisonment for not exceeding ninety days, instead of imprisonment for thirty days, as is by such section now provided.

Packing of sardines.—An act to regulate the packing of sardines. (Chap. 279, p. 299, approved March 25, 1897.)

Sections of this act provide certain rules and regulations relative to the catching, preserving, packing, and selling of sardines, and declare it to be the duty of the commissioner of sea and shore fisheries to require a strict observation of such rules. The commissioner of sea and shore fisheries and his wardens are authorized to enter any canning establishment for purposes of investigation.

Penalty, fine from \$1 to \$20 per hundred fish or cans caught packed, or sold in violation of provisions of this act.

NOTE.—Section 1 of the above act reenacts former legislation. Other sections are new.

Reproduction of prize fights by photographs.—An act to prevent the reproduction of prize fights by photographs. (Chap. 309, p. 352, approved March 26, 1897.)

By this act any person exhibiting publicly any photographic or other reproduction of a prize fight shall be punished by a fine not exceeding \$500.

Political caucuses.—An act in relation to political caucuses in cities. (Chap. 310, p. 353, approved March 26, 1897.)

Sections of this act provide for the calling of political caucuses in cities and for notice of same to be given.

They declare that committees shall be furnished with lists of voters by board of registration, the expense of furnishing such copy to be paid as other expenses of boards of registration are now paid, and that a check list shall be used in caucus upon request of voters.

The right to vote in caucus is regulated, and persons are prohibited from voting in a caucus held by party of which they are not a member.

Violation of these provisions is declared a misdemeanor: Penalty, fine from \$5 to \$50.

Diseased meat.—An act to prevent the use of diseased meat for food purposes. (Chap. 311, p. 354, approved March 26, 1897.)

Sections of this act declare that it shall be the duty of all persons charged with the killing of diseased domestic animals to treat carcass by injection with kerosene oil "in sufficient quantity to thoroughly penetrate and permeate the entire fleshy part of each such animal," and that such carcasses shall be buried or made into fertilizers.

Violation of the provisions of this act subjects to fine not exceeding \$100 for each offense or imprisonment not exceeding ninety days, or both.

Sale of agricultural seeds.—An act to regulate the sale of agricultural seeds. (Chap. 313, p. 355, approved March 26, 1897.)

Sections of this act declare that every lot of seeds of agricultural plants offered for sale in the State of Maine shall be accompanied by guarantee of percentage of purity based upon tests conducted by themselves, their agents, or by the director of the Maine Agricultural Experiment Station. Results of tests made by director shall be published in the bulletins or reports of the experiment station, together with the names of the person or persons from whom the samples of seeds were obtained.

Persons selling or distributing in this State agricultural seeds without complying with the requirements as herein provided shall be subject to fine not to exceed \$100 for the first offense and not to exceed \$200 for each subsequent offense.

Wrongly marking seeds with intent to deceive is declared a misdemeanor: Penalty, fine not to exceed \$100 for the first offense and not to exceed \$200 for each subsequent offense.

Dead human bodies.—An act for the promotion of medical education and the prevention of unauthorized uses of and traffic in dead human bodies. (Chap. 315, p. 357, approved March 27, 1897.)

By sections of this act the professors of anatomy and surgery and the demonstrators of anatomy in the medical schools of the State of Maine are constituted a board for the collection, distribution, and delivery of dead human bodies. The organization of said board is provided for and its powers defined.

Said board shall be notified of deaths occurring in almshouses, prisons, morgues, hospitals, or any other public institution; also the family or next of kin of the deceased; and if body is not claimed it shall be delivered to said board to be used within this State for the advancement of medical education.

Provision is made for the conveyance of bodies, and no school, physician, or surgeon shall be allowed to receive such bodies without giving bond for proper disposal of the same.

When no longer needed, remains shall be decently buried.

Traffic in dead bodies outside of the State of Maine is prohibited. Violation, a misdemeanor: Penalty, fine not exceeding \$200 or imprisonment not exceeding one year.

Section 7 declares that any person having duties enjoined upon him by the provisions of this act who shall neglect, refuse, or omit to perform the same as required shall be liable to a fine from \$100 to \$500 for each offense.

Fraternal beneficiary organizations.—An act relating to fraternal beneficiary organizations. (Chap. 320, p. 367, approved March 27, 1897.)

Sections of this act define the term "fraternal beneficiary association" and prescribe method for carrying on the business of such associations and for the organization of the same. The officers of said associations shall make certificate, setting forth pur-

poses, names of subscribers, etc., to be examined by insurance commissioner for approval, and filed in office of secretary of state, there to be recorded. Each association shall have a lodge system, with ritualistic form of work and representative form of government.

Foreign corporations doing business here may continue so to do upon compliance with this act, and those not doing business may procure license to do so from the insurance commissioner.

Provision is made for corporations to report annually to the insurance commissioner.

Section 13 prohibits the solicitation of business by any unauthorized person. Violation, a misdemeanor: Penalty, fine from \$50 to \$200.

Section 15 prohibits any willful making of false statements in applying for membership on death or disability certificates. Violation, a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from thirty days to one year, or both.

Insurance commissioner or deputy shall have power of visitation and examination into the affairs of any domestic corporation subject to the provisions of this act.

Section 21 declares that any corporation, association, or society neglecting or refusing to comply with or violating the provisions of this act shall be fined from \$50 to \$200 upon conviction.

NOTE.—New features: "Lodge system" and "under the inspection of the State insurance commissioner."

Apothecaries.—An act to prevent incompetent persons from conducting the business of apothecaries. (Chap. 324, p. 377, approved March 27, 1897.)

Sections of this act regulate the business of apothecaries and provide for the appointment of commissioners of pharmacy, defining their powers and duties.

Said commissioners shall render certificate upon examination to applicants, the same to be registered.

Section 7 declares that the sale of medicines or poisons and compounding prescriptions is unlawful, unless under control of registered apothecary. Violation of provisions of this act subjects to penalty of fine of \$50 per month for first offense and \$100 per month for each and every subsequent offense.

NOTE.—Former penalty for violation of provisions, fine of \$50 for each week that unregistered apothecary continues to do business.

Union soldiers and sailors not paupers.—An act to amend section 8 of chapter 24 of the Revised Statutes, as amended by chapter 60 of the Public Laws of 1891, relating to paupers, their settlement and support. (Chap. 326, p. 393, approved March 27, 1897.)

As amended, the section named declares that soldiers and sailors who have served by enlistment in the Army or Navy of the United States in the war of 1861 are not to be considered paupers, even if they may become dependent upon any town; neither shall they be subject to disfranchisement for that cause; and overseers of the poor shall not have authority to remove to or support in the poorhouse any such dependent soldier or sailor or his family; the town of his settlement shall support them at his own home in the town of his settlement or residence, or in such suitable place other than the poorhouse as the overseers of the town of his settlement may deem right and proper.

Violation of this act by overseers of the poor shall subject to a fine of \$25, with further fine of \$5 per day for every day they allow said soldier or sailor and their families to remain in poorhouse, after reasonable notice.

NOTE.—New feature: Penalty for violation of provisions by overseers of the poor.

Cigarettes.—An act to prohibit the manufacture of cigarettes and the sale thereof to minors. (Chap. 333, p. 406, approved March 27, 1897.)

By this act the manufacture for sale and sale of cigarettes to any person under the age of 21 years is prohibited. Violation subjects to fine not exceeding \$50 or imprisonment not exceeding sixty days.

NOTE.—Former law (1889) forbade sale to anyone under age of 16 years. Penalty, fine not exceeding \$50.

Commercial feeding stuff.—An act to regulate the sale and analysis of concentrated commercial feeding stuff. (Chap. 334, p. 406, approved March 27, 1897.)

Sections of this act declare that dealers in concentrated commercial feeding stuff shall affix printed statement to each package containing such feeding stuff, which shall certify the number of net pounds in the package, the name or trade-mark under which the article is sold, name of manufacturer or shipper, place of manufacture, place of business, and a chemical analysis of contents.

Products included in term "feeding stuff" are enumerated, and provision is made for certified copy of statement to be filed with the director of the Maine Agricultural Experiment Station.

Manufacturers and dealers are required to pay inspection tax to director of station and to affix tag to each car shipped in bulk, and to each bag, barrel, or other package of feeding stuff, certifying payment of tax.

Section 6 declares that any manufacturer, importer, or person who shall sell, offer for sale or distribution in this State any concentrated commercial feeding stuff as herein defined without complying with the requirements of this act shall be subject to fine of not more than \$100 for first offense, and not more than \$200 for each subsequent offense.

Samples of all feeding stuffs sold or offered for sale under the provisions of this act shall be annually analyzed by the director of the Maine Experiment Station.

Slabs, sawdust, etc.—I. An act to prevent the throwing of slabs and other refuse into the Aroostook River and its tributaries, above the mouth of Beaver Brook. (Chap. 356, p. 592, approved February 17, 1897.)

Section 1 prohibits the throwing of slabs, edgings, sawdust, chips, bark, mill waste, or any shavings or fibrous material created by the manufacturing of shingles into the Aroostook River in Sheridan plantation; also the depositing of waste upon banks so that the same shall fall into the river.

Violation, if quantity shall not exceed 5 cords, subjects to fine from \$5 to \$20; if quantity is more than 5 cords the fine shall be from \$20 to \$500.

Section 3 declares that mill owners are responsible for acts of employees.

II. An act to prevent the throwing of slabs and other refuse into the Ellis River and its tributaries. (Chap. 555, p. 953, approved March 26, 1897.)

By this act persons are prohibited from throwing into the Ellis River or its tributaries any mill waste, slabs, chips, shavings, or sawdust; also from placing or depositing on the banks of said river or its tributaries any material, as above mentioned, created by the manufacturing of shingles.

Penalty for violation, if the quantity shall not exceed 5 cords, fine from \$5 to \$20; if quantity shall exceed 5 cords, fine from \$5 to \$100.

Rafts.—An act to prevent the unreasonable obstruction of public travel over the Penobscot River. (Chap. 367, p. 606, approved February 24, 1897.)

By this act the running of rafts exceeding 1,950 feet in length on the Penobscot River, between the Bangor and Brewer toll bridge and High Head, is prohibited: Penalty for violation, forfeiture of \$25 for the use of Penobscot County.

Investigating causes of fires (chap. 267, p. 288, approved March 23, 1897).—It is made the duty of municipal officers with the insurance commissioner to investigate the causes of fires. Provision is made for a record and for compiling statistics in regard to the same. The insurance commissioner may take testimony on oath and cause the arrest of persons suspected of arson. False swearing shall be deemed perjury, and shall be punished as such.

SEC. 8. Any city or town officer, or any insurance company, refusing to perform duties required by the act shall be punished by a fine not less than \$10 nor more than \$100.

Registration of guides (chap. 262, p. 283, approved March 23, 1897).—Requires guides to register with the commissioners of fisheries and game. Penalty for failure to register, \$50 and costs of prosecution.

Section 2 requires guides to report to the commissioners the number of persons he has guided in inland fishing and forest hunting, the number of days he has been employed as guide, and other information.

SEC. 4. If the guide violates the game laws he shall forfeit his certificate. The registration fee is limited to \$1.

Obstructing street railway.—I. An act to incorporate the Eastport street railway. (Chap. 465, p. 739, approved March 17, 1897.)

Section 1 names the incorporators who shall constitute a corporation under the name of the Eastport Street Railway Company, and authorizes said corporation to construct a railroad, to be operated by horse power or electricity, in streets, under conditions imposed by city council. The capital stock of said company is regulated and provision made for laying tracks and for keeping streets where such tracks are laid in good repair by said corporation. The style of cars to be used, speed of same, and fares for transportation by said railway are regulated.

Section 9 declares that any person who shall willfully and maliciously obstruct said corporation in the use of its road or tracks, or the passage of its cars or carriages thereon, shall be fined not exceeding \$200, or imprisonment not exceeding sixty days.

NOTE.—Penalty for placing obstruction on any public road with intent to injure persons or property passing thereon subjects to imprisonment not more than three years, or to fine not exceeding \$500. (See sec. 6, chap. 127, of Statutes as amended in 1885.)

II. An act to incorporate The Westbrook, Windham and Harrison Railway Company and to authorize municipalities in Cumberland County to aid in the construction of its railway. (Chap. 509, p. 806, approved March 24, 1897.)

Section 1 names the corporators who shall constitute a corporation under the name of The Westbrook, Windham and Harrison Railway Company, defining the route of same. The municipal officers of cities and towns named in route shall make regulations as to rail, grade, and speed, and require the company to keep portions of streets occupied by it in repair.

Said corporation is authorized to take land and materials under certain conditions, and the issue of bonds and the mortgage of property is also authorized. The capital stock of said company is regulated and the corporation is made liable for damages sustained by reason of any neglect or misconduct of its agents or servants, or by reason of any defect in said streets, town roads, or highways occupied by said railway, if such defect arise from neglect or misconduct of the corporation, its servants or agents.

Section 10 declares that if any person shall willfully or maliciously obstruct such corporation in the use of its road, tracks, or property, or the passage of the cars or carriages of said corporation thereon, such person, and all who aid and abet therein, shall be punished by a fine not exceeding \$200, or may be imprisoned in the county jail not exceeding sixty days.

Other conditions are regulated relative to the construction of said railway and the operation thereof.

NOTE.—Former penalty for placing obstruction on any public road, etc. (See chap. 465, p. 739.)

III. An act to incorporate the Kittery and Eliot Street Railway Company. (Chap. 484, p. 777, approved March 20, 1897.)

Sec. 11. Penalty for obstructing road, fine \$200 or imprisonment in county jail not exceeding sixty days.

Municipal penalties—Calais city charter (chap. 514, p. 818, approved March 25, 1897).—Amends charter of city of Calais. The city court may punish offenses by fine not exceeding \$50 and by imprisonment not exceeding three months, and of larcenies when the value of the property is not alleged to exceed \$30.

Sanford municipal court (chap. 522, p. 829, approved March 25, 1897).—Establishes a municipal court in the town of Sanford; has jurisdiction of crimes, offenses, and misdemeanors which are by law punishable by fine not exceeding \$20 and by imprisonment in the county jail not exceeding three months, or by a sentence to the reform school. Defines the jurisdiction of the court.

Sec. 6. Any trial justice or other judicial officer who shall violate any of the provisions of this act shall forfeit \$50 for each violation, to be recovered on indictment.

GAME LAWS.

Salmon in the Penobscot.—An act to amend section 41 of chapter 40 of the Revised Statutes, relating to the taking of salmon in the Penobscot River above the waterworks at Bangor. (Chap. 239, p. 256, approved March 20, 1897.)

As amended, the section named in act prohibits the taking of or fishing for salmon, shad, or other migratory fish within 500 yards of any fishway, dam, or mill race, or at certain points on Penobscot, Kennebec, and St. Croix rivers, from April 1 to November 1, except by ordinary angling; provided, however, that it shall be lawful for the inhabitants of the State of Maine to take salmon with drift nets from 6 o'clock Friday p. m. to 6 o'clock Saturday p. m. in the Penobscot River.

Any kind of fishing is prohibited within 100 yards of any fishway, dam, or mill race, except for alewives, in certain districts: Penalty for violation of provisions, fine from \$10 to \$50 for each offense, and a further fine of \$10 for each salmon, and \$1 for each shad so taken.

Sea and shore fisheries.—An act to revise and consolidate the public laws relating to sea and shore fisheries. (Chap. 285, p. 307, approved March 26, 1897.)

Sections of this act provide for the appointment of inspectors of fish, who shall make annual returns to the commissioner of sea and shore fisheries, regulate their duties concerning the pickling of fish, branding of mackerel, constructing of barrels and casks for packing purposes, and mode of packing.

Section 11 provides a penalty of \$10 per hundredweight for selling or exporting fish not inspected and branded as herein provided for.

Section 12 provides for giving of certificate of inspection by fish inspector before fish can be shipped. Forfeiture from \$5 to \$10 for every hundred pounds is required from persons lading or receiving on board any fish not packed or branded

as aforesaid, and a forfeiture of \$5 for refusing to aid officer in seizing prohibited fish and conveying same to inspector.

Substituting fish not inspected, or fraudulently mixing lawfully inspected and branded fish with uninspected fish in casks or boxes subjects to forfeiture of \$20 for each box so dealt with.

Pursing or dragging seines in certain waters in the State of Maine, under penalty of fine not exceeding \$500 for each offense.

The taking of certain shellfish is regulated. Clams taken contrary to regulations subjects to fine not exceeding \$10, or imprisonment not exceeding thirty days.

Cities and towns are authorized to raise money for the propagation of fish, and provision is made for the erection of fish weirs and wharves in accordance with this act. Erecting weirs in front of shore of another without consent of owner subjects to a penalty of \$50 for each offense. Vessels of all kinds owned by nonresidents are liable for unlawful fishing, and any officer may detain such property for twenty-four hours in order that it may be attached. Any inhabitant of the State of Maine may plant oysters and have exclusive right to take the same. Trespassing on oyster beds without the consent of owner subjects to liability for damages, and taking oysters therein without consent of owner subjects to fine from \$20 to \$50, or imprisonment not exceeding three months.

The powers and duties of the commissioner of sea and shore fisheries and fish wardens are regulated and defined.

Restrictions are laid upon the taking of salmon, shad, and other migratory fish in certain waters of the State of Maine, as already indicated in chapter 239.

Taking salmon in closed season subjects to fine from \$10 to \$50, and further fine of \$10 for each salmon so taken.

A weekly close term of forty-eight hours during open season is established, when seines and nets must be removed to allow free passage of fish. Violation subjects to fine of \$20 for each offense.

A close season for smelts is also established; fine from \$10 to \$30 for taking smelts in closed season, and further penalty of 20 cents for each smelt so taken.

The time for opening weirs for capture of smelts is fixed, under penalty of fine from \$20 to \$50, and further fine of \$5 for each day that the weir remains closed in violation of the law, certain waters being excepted.

The use of dip nets with meshes smaller than 1 inch is prohibited under penalty of fine from \$10 to \$20 for each offense.

Section 34 declares that no weir, hedge, set net, or any other contrivance for the capture of fish, which is stationary while in use, shall extend into more than 2 feet of water at ordinary low water, under a penalty of fine from \$50 to \$100, and forfeiture of all apparatus and material so unlawfully used.

It is declared unlawful to destroy seals in the waters of Casco Bay during the months of June, July, and August. Penalty for violation, fine of \$50.

Restrictions as to measurement are laid upon the taking and canning of lobsters, and provision made for marking barrels or boxes and cars in which lobsters are shipped.

Persons are prohibited from setting lobster traps within 300 feet of the mouth or outer end of the leaders of any fish weir, and also from interfering with lobster traps without consent of owner. Violation of rules relative to lobsters subjects to fines varying from \$5 to \$50.

The disposition of lobsters seized in violation of this act is regulated.

NOTE.—Embraces former legislation, with some new features. Former penalty for taking short lobsters, fine of \$1 for each lobster so caught or taken.

Inland fisheries and game.—An act to amend chapter 30 and chapter 40 of the Revised Statutes relating to inland fisheries and game. (Chap. 305, p. 341, approved March 26, 1897.)

The amended chapters named define the closed season for certain game animals and fish and prohibit taking or having in possession said animals and fish during close season under penalty of fines varying from \$5 to \$50, or imprisonment from thirty days to four months.

Hunting certain game animals with dogs, jack lights, or artificial lights is prohibited at all times: Penalty for violation, imprisonment from thirty days to four months.

Game hunted, killed, bought, carried, transported, or found in possession of any person or corporation in violation of the provisions of this chapter and amendments thereto shall be liable to seizure.

Disposition of fines is regulated, and any officer neglecting to pay fines to county treasurer shall be punished by fine from \$40 to \$100 for first offense, and for every subsequent offense by fine and imprisonment not exceeding six months.

Section 30 declares that when bull moose is being transported, evidence of sex shall

be on same. Whoever fails to comply with this provision shall forfeit the moose and pay a fine of \$300 and costs.

Section 31 declares that market men may have in possession three deer and sell the same after procuring license of commissioner, keeping record of the name and residence of each person of whom he purchased fish or game. Any market man or provision dealer violating these provisions shall be subject to fine of \$500 for each offense and be prohibited for five years thereafter from the benefits herein prescribed to him.

Section 32 prohibits any person from owning or having in his possession any dog for the purpose of hunting or chasing moose, caribou, or deer. Violation subjects to fine of \$100 and costs for each offense. Former penalty for such violation, fine from \$20 to \$100.

Section 33 prohibits any person from having in possession any unlawful implements for fishing. Violation subjects to a penalty of \$50 and costs.

Section 34 declares that it shall be unlawful to use in hunting for or shooting any moose, caribou, or deer any metal-patched or metal-cased bullet, under penalty of fine of \$50 for each offense.

Section 35 prohibits transportation of moose, deer, and caribou out of the State of Maine, under penalty of \$100 for each and every moose, deer, and caribou, or part thereof, so sold or given away. Buying for purposes of transportation is forbidden under the same penalty.

Section 83 declares that commissioners may adopt rules to protect spawning beds upon petition of ten or more taxpayers. The penalty for willful violation of any such rules and regulations shall be \$50 for each offense.

NOTE.—Formerly imprisonment was not allowed in above penalties; fines reached the limit of \$300 for violation of provisions concerning hunting, taking, and having in possession the game animals mentioned. The amended sections show new features.

Fish.—An act to repeal chapter 503 of the private and special laws of 1828 to regulate the taking of fish in Narraguagus River. (Chap. 328, p. 558, approved February 2, 1897.)

The chapter hereby repealed refers to legislation of the year 1828, which regulated salmon and shad fishing in Washington County. Penalty for violating provisions was fine from \$5 to \$20.

Deer.—An act to prohibit the killing of deer on Long Island. (Chap. 439, p. 697, approved March 12, 1897.)

By this act all persons are prohibited from hunting or killing any deer on Long Island, in the town of Blue Hill, in the county of Hancock, for the space of five years, under the pains and penalties now prescribed by law for hunting or killing deer in close time.

Ducks.—An act to regulate the shooting of ducks on the Kennebec River and Merrymeeting Bay. (Chap. 440, p. 697, approved March 12, 1897.)

By this act the killing of ducks on the Kennebec River or on Merrymeeting Bay between sunset and the daylight of morning is prohibited: Penalty, forfeiture of \$25 for each offense.

Hunting wild ducks within the limits already described with jack lights or any artificial light is prohibited: Penalty, forfeiture of \$50 for each offense.

Smelts.—An act relating to the catching of smelts in Damariscotta River. (Chap. 507, p. 805, approved March 23, 1897.)

By this act catching of smelts in Damariscotta River is made lawful during the months of April and May; and at all times with drag seines to a point known as the ledges in said river.

Any person convicted of fishing for or catching smelts in said river above the ledges with drag seines shall be punished by fine of \$100.

NOTE.—Former penalty for catching smelts in prohibited waters, fine of \$500.

MARYLAND.

1898.

Felony and misdemeanor.—All claims to dispensation from punishment by benefit of clergy are forever abolished; and every person convicted of any felony heretofore deemed clergyable, shall be sentenced to undergo a confinement in the penitentiary

for any time not less than eighteen months nor more than five years, except in those cases where some other specific penalty is prescribed by this code. And every person who shall be convicted of any felony heretofore excluded from the benefit of clergy, and not specified in this code, shall be sentenced to undergo a confinement in the penitentiary for not less than five nor more than twenty years. (Pub. Gen. Laws, sec. 292.)

NOTE.—Alexander's British Statutes in force in Maryland, page 59, has this comment: "Confinement in the penitentiary is prescribed as the general punishment for felonies, both clergyable and nonclergyable, and included or not included in the code." The code referred to is that of 1860. He then adds: "Probably, therefore, all offenses punishable by confinement in the penitentiary under the code [1860] and all common-law felonies not mentioned in the code should be added."

As bearing upon the above may be quoted Public General Laws, 1888, page 554:

SEC. 287. All indictments for offenses forbidden by any statute or statutes, or for offenses the punishment of which is contained in the same clause of any statute with the prohibition of the offense, may conclude as for offenses at common law; and where any offense which is a misdemeanor at common law may have been made a felony by statute the misdemeanor shall not be merged in the felony, but the indictment may contain counts for the said felony and also for the misdemeanor.

Notice also Public General Laws, 1888, page 947:

SEC. 10. No prosecution or suit shall be commenced for any fine, penalty, or forfeiture, or any misdemeanor, except those punished by confinement in the penitentiary, unless within one year from the time of the offense committed.

Elections.—An act to repeal chapter 544 and to enact in lieu thereof certain new sections relating to the registration of voters and to elections in Frederick City. (Chap. 2, p. 9, approved February 11, 1898.)

An act consisting of sections numbered from 270 B to 270 FFFFF, of which the following sections contain penalties:

SEC. 270 I. Judges and clerks of elections notified to appear for examination who shall not appear before the board as required, or shall refuse to serve, shall be fined not less than \$100 nor more than \$300, unless it shall appear that he was not qualified for such service by ill health, infirmity, or old age, the State's attorney to receive a fee of \$50 for every penalty recovered, to be paid out of the sum recovered.

Section 270 HH has for a new feature the following: In nominations otherwise than by conventions or primaries, where the number of signatures required is 300, each signer shall give his signature, residence, occupation, and place of business, and every such paper shall be accompanied by affidavits made before a justice of the peace, etc., and signed by affiants to the effect that the signers are known to be registered voters of the district in which they reside, and that said affiant saw personally the signers sign the paper, and any willfully false statement of these affidavits or affirmations shall be deemed a misdemeanor and subject the person making the same to the penalties for perjury.

SEC. 270 YY. Any refusal to permit a challenger at the place of election in accordance with this act shall be a misdemeanor, punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both fine and imprisonment.

NOTE.—Former penalty, fine not exceeding \$500 or by imprisonment not exceeding six months, or by both in the discretion of the court.

SEC. 270 VVV. Penalty for unlawfully registering, imprisonment in jail or in the penitentiary for not less than six months nor more than five years.

NOTE.—Former penalty (law 1872, chap. 348) for unlawful registration, fine of not less than \$100 nor more than \$1,000, or imprisonment in State penitentiary not exceeding seven years.

SEC. 270 WWW. Penalty for unlawfully voting, imprisonment in jail or in the penitentiary for not less than six months nor more than five years.

NOTE.—New feature, enlarged prohibitions as to illegal voting, with penalty.

SEC. 270 XXX. Penalty for keeping false poll list, etc., imprisonment in the penitentiary for not less than one nor more than five years.

SEC. 270 YYY. Penalty for excluding lawful votes, imprisonment in jail or in the penitentiary for not less than three months nor more than two years.

(New section.)

SEC. 270 ZZZ. Penalty for making false tally or returns of election, imprisonment in the penitentiary for not less than one nor more than ten years.

NOTE.—Former penalty, imprisonment in jail not less than one nor more than five years, or fine not exceeding \$1,000.

SEC. 270 AAAA. Penalty for unlawfully putting ballots into box, substituting, altering, etc., imprisonment in the penitentiary for not less than one nor more than five years.

SEC. 270 BBBB. Penalty for neglect of duty by judge or clerk, imprisonment in jail for not less than thirty days nor more than three years, or by fine of not less than \$50 nor more than \$1,000, or by both such fine and imprisonment.

SEC. 270 CCCC. Penalty for judge or clerk concealing record, registry, etc., imprisonment in the penitentiary for not less than one nor more than ten years.

SEC. 270 DDDD. Penalty when ballots are concealed, falsified, etc., by any other person than the judge or clerk, imprisonment in the penitentiary for not less than one nor more than two years.

SEC. 270 EEEE. Penalty for perjury concerning anything provided for in this article, to be punished according to the laws of the State.

SEC. 270 FFFF. Penalty for inducing others to swear falsely, the punishment directed by law in cases of willful and corrupt perjury.

SEC. 270 GGGG. Penalty for unpardoned felons voting or offering to vote at any election in Frederick City, imprisonment in the penitentiary for not less than one nor more than five years.

SEC. 270 HHHH. Penalty for disobedience to commands of judge of election, imprisonment in jail for not less than thirty days nor more than six months, or by a fine of not less than \$10 nor more than \$250, or by both, in the discretion of the court.

SEC. 270 IIII. Penalty for breach of peace by which election is hindered, imprisonment in jail for not less than thirty days nor more than one year, or by a fine of not less than \$50 nor more than \$1,000, or by both.

SEC. 270 JJJJ. Penalty for interfering with officer of registration, etc., imprisonment in jail for not less than three months nor more than one year, or by fine of not less than \$50 nor more than \$1,000, or by both.

SEC. 270 KKKK. Penalty for concealing ballot box, etc., imprisonment in the penitentiary for not less than one nor more than five years.

SEC. 270 LLLL. Penalty for unlawfully allowing person to register, etc., imprisonment in jail for not less than two nor more than ninety days, or by a fine of not less than \$10 nor more than \$250, or by both such fine and imprisonment, in the discretion of the court.

NOTE.—Secs. 270 BBBB to 270 LLLL are new.

SEC. 270 MMMM. Penalty for unlawful absence of officers without urgent necessity, imprisonment in jail for not less than ten days nor more than six months, or fine of not less than \$20 nor more than \$500.

NOTE.—Section enlarged. Former penalty for failure of judges to attend elections, \$50 for every such neglect.

SEC. 270 NNNN. Penalty for falsely making certificate of nomination, etc., fine of not less than \$100 nor more than \$1,000, or by imprisonment in jail for a period not exceeding three years, or both, in the discretion of the court.

SEC. 270 OOOO. Penalty for removing supplies from booths during elections, defacing specimen ballots, etc., fine of not less than \$5 nor more than \$500, or by imprisonment in jail for a period not exceeding one year, or by both, in the discretion of the court.

SEC. 270 PPPP. Penalty for permitting ballot to be seen, attempting to interfere with any voter when polling, inducing any voter to show how he has marked, etc., fine of not less than \$5 nor more than \$100, or by imprisonment in jail for a period not exceeding sixty days, or both, in the discretion of the court.

(Differently worded from old act. Fine the same; imprisonment added here.)

SEC. 270 QQQQ. Penalty for willfully destroying or defacing ballot, etc., fine of not less than \$50 nor more than \$500, or shall be imprisoned in jail for not exceeding sixty days, or both, in the discretion of the court.

SEC. 270 RRRR. Penalty for taking liquor into office of registration during hours of election, etc., fine of not less than \$10 nor more than \$100.

SEC. 270 SSSS. Penalty for selling liquor on election day, fine from \$50 to \$100 for each offense.

SEC. 270 TTTT. Penalty for betting on the result of the election, fine of not less than \$50 nor more than \$500.

SEC. 270 UUUU. Irregularities or defects in the mode of giving notice or of conveying, holding, or conducting a registration or election authorized by law shall constitute no defense to a prosecution for a violation of the provisions of this article. Every act which, by the provisions of the article or the laws of the State, is made a crime when committed with reference to the election of a candidate, shall be equally criminal and subject to the same punishment when committed with reference to a proposition to be submitted to the people to be decided by the votes cast at an election.

NOTE.—Secs. 270 NNNN to 270 UUUU are new.

Fast driving near Library Hall, Catonsville.—An act to prohibit fast driving over any public highway, road, or avenue within one-half mile in any direction of

the Library Hall, in Catonsville, Baltimore County. (Chap. 8, p. 68, approved March 2, 1898.)

By this act it is declared to be unlawful for any person to either drive or ride a horse or horses, or any other animal used for driving or riding purposes, at a greater rate of speed than 6 miles an hour, over any public highway, road, or avenue within one-half mile, in any direction, of the Library Hall, in Catonsville, Baltimore County.

Violation subjects to fine from \$5 to \$10 for each offense.

Pollution of water.—An act to authorize the commissioners of Williamsport, Washington County, to borrow money for waterworks and electric plant. (Chap. 27, p. 98, approved March 4, 1898.)

An act of six sections providing for the issuing of bonds, the appointment of a board of supervisors, the leasing of land, the taxes to be levied, and the vesting of the title. The penalty for willfully polluting any spring, stream, brook, or water course, or reservoir in connection with the said waterworks, fine of not less than \$5 nor more than \$50, one-half to the informer and the other half to the commissioners for the purposes of this act.

NOTE.—The last section new.

Mine inspection.—An act to repeal sections 196 to 209, inclusive, of Article I of the Public Local Laws of Maryland, entitled "Allegheny County," subtitle "Mine Inspector," and also to repeal sections 150 to 164, inclusive, of Article XII of the Public Local Laws of Maryland, entitled "Garrett County," subtitle "Manufactures and Mines," providing for the appointment of a mine inspector for Allegheny and Garrett counties, and regulating the working and proper ventilation of coal mines in said counties, and to reenact them with amendments, and to add certain new sections to said respective articles, to follow in the first-mentioned article, section 209 to be designated as sections 209a, 209b, 209c, and 209d, and to follow in the second-mentioned article, section 164 to be designated as sections 164a, 164b, and 164c. (Chap. 34, p. 110, approved March 14, 1898.)

The new and amended sections of this act provide for the appointment of a mine inspector, who shall also be inspector of weights and measures, for Allegheny and Garrett counties, whose duties are defined and regulated with regard to the inspection and working of mines in said counties, and of the lives lost in said mines.

Provision is made for a proper system of ventilation in these mines; also for furnishing the props and timber requisite to the safe working of said mines, and for the use of correct and accurate scales for weighing the coal mined.

Every person working or engaged in any employment whatever in and about the said mines in said counties are required to observe all practical care, caution, and prudence in the work in which they may be engaged, so that all lives, health, and safety of themselves and their collaborators, and the property of the owners in and about said mines, may be protected, as far as practicable, from loss and injury.

The sections designated as 209b and 209c declare that any owner, agent, operator, overseer, driver, or miner, or other person violating, neglecting, or refusing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor; also that any mine inspector or weighmaster at any of said mines neglecting or refusing to comply with any requirements of this act, or violating or failing to perform in any way any of the duties of his office or position as herein prescribed shall be deemed guilty of a misdemeanor. Penalty for above violations, fine from \$50 to \$500. Formerly the fine was from \$10 to \$500.

NOTE.—The above act is an enlargement of legislation enacted in 1878.

Spectacles and eyeglasses.—An act to add a new section to Article VII of the Code of Public Laws, title "Carroll County," under a new subtitle, "Spectacles and Eyeglasses," to follow section 258, and to be designated as section 259. (Chap. 60, p. 135, approved March 14, 1898.)

The new section added declares that any person other than a licensed merchant, practicing physician, or optician, in Carroll County, who shall desire to sell spectacles or eyeglasses in said county, shall obtain a license so to do from the clerk of the circuit court, and any person offending against the provisions of this section by selling spectacles or eyeglasses in said county without first having obtained a license shall be deemed guilty of a misdemeanor. Penalty, fine from \$15 to \$30 and costs, and upon failure to pay said fine and costs confinement in county jail for the period of thirty days.

Stock and swine.—An act to add an additional section to Article II of the Code of Public Local Laws, title "Anne Arundel County," under the subtitle "Stock and Swine," to be designated as section 221a, and to come in after section 221 of said article. (Chap. 104, p. 189, approved March 22, 1898.)

The added section prohibits persons from allowing horses, mules, horned cattle, goats, sheep, or swine to run at large in the village of Centralia, of the fourth election district of Anne Arundel County, or within the boundaries of said village as herein specified.

Violation, a misdemeanor: Penalty, fine not exceeding \$5 and costs for each offense, and on failure to pay fine and costs commitment to the house of correction for not more than thirty days.

Firing guns, Catonsville.—An act to prohibit the firing of guns, cat rifles, pistols, or any explosive instrument of metal by persons under 21 years of age, within one mile in any direction of the Library Hall in Catonsville, Baltimore County. (Chap. 115, p. 203, approved March 29, 1898.)

By this act it is declared unlawful for any person under the age of 21 years to fire a gun, cat rifle, pistol, or any explosive instrument of metal within one mile in any direction of the Library Hall in Catonsville, Baltimore County.

Violation subjects to fine from \$1 to \$10 or imprisonment from five to thirty days, or both fine and imprisonment.

Trespass in Wicomico County.—An act to prevent the trespass upon private property in Wicomico County, in this State, by any person or persons who have been forbidden to do so by a special written notice served upon him, or her, or them by the owner or owners of said private property, or by their agents. (Chap. 145, p. 606, approved April 7, 1898.)

Section 1 declares that any person or persons who shall enter upon or cross over the premises or private property of any person or persons in Wicomico County, in this State, after having had a special written notice served by the owner or owners of said property or their agents not to trespass on said premises or private property, shall be deemed guilty of a misdemeanor: Penalty, fine from \$5 to \$50 and costs, and, in default of payment, commitment to the county jail for a period of twenty days.

Graveyard desecration.—An act to repeal section 135 of Article XXVII of the Code of Public General Laws of Maryland, title "Crimes and punishments," subtitle "Graveyard desecration," and reenact the same with amendments. (Chap. 178, p. 657, approved April 2, 1898.)

The section amended by this act declares that any person who shall willfully destroy, mutilate, injure, or remove any tomb, monument, gravestone, or other structure placed in any cemetery, or any building, wall, fence, railing, or other work for the use, protection, or ornament of any public or private cemetery in this State, or shall willfully destroy, cut, break, or remove any tree, plant, or shrub within its limits, or who shall shoot or discharge any firearm within said limits, or who shall be guilty of indecent or disorderly conduct within said limits shall be guilty of a misdemeanor: Penalty, fine from \$5 to \$500 or imprisonment in county jail or house of correction from thirty days to two years, or both fine and imprisonment, according to the gravity of the offense. Formerly penalty was fine from \$5 to \$50 or imprisonment in county jail not less than one month, or both fine and imprisonment, according to gravity of offense.

Trading stamps and prize tickets.—An act to prohibit certain combinations in trade and the means used to bring them about, and for that purpose to add certain new sections to Article XXVII of the Code of Public General Laws of the State of Maryland, title "Crimes and punishments," under the new subtitle of "Trade," to follow section 263, and to be known as sections 263a, 263b, and 263c. (Chap. 207, p. 714, approved April 7, 1898.)

The new sections added prohibit persons or associations from dealing in trading stamps, or tickets, or checks, or any printed promise or assurance to be presented or redeemed in exchange for any gift, prize, or gratuity, or any thing uncertain or unknown to the purchaser of goods, wares, or merchandise, therewith; also from selling said stamps or tickets, or aiding or assisting in any violation of above provisions. Violation, a misdemeanor: Penalty, fine from \$50 to \$100 for each offense, and for second or repeated violations, in addition to fine, imprisonment in the house of correction or city or county jail from one to six months.

Rape.—An act to amend Article XXVII of the Code of Public General Laws, title "Crimes and punishments," subtitle "Rape," by adding a new section to said article, said subtitle to be designated as section 233a. (Chap. 218, p. 730, approved April 7, 1898.)

The new section added declares it to be a misdemeanor for any person to carnally know any female not his wife between the ages of 14 and 16 years: Penalty, imprison-

ment in house of correction not exceeding two years, or fine not exceeding \$500, or both fine and imprisonment: *Provided*, That nothing in this act contained shall be construed to affect or interfere with the law relating to the crime of rape as now in force in the State of Maryland, and shall not apply to male persons under the age of 18 years.

NOTE.—Section 233 of Article XXVII provided the death penalty or imprisonment in penitentiary from eighteen months to twenty-one years for seduction of female child under 10 years. This was repealed by law enacted April 8, 1890, and the same penalty provided for seduction of female child of 14 years of age; amended March 24, 1892, by adding "or any woman who is an imbecile or insane of any age whatsoever."

Obtaining board or lodging under false pretenses.—An act to repeal and reenact with amendments sections 84a and 84b of Article XXVII of the Code of Public General Laws of Maryland, title "Crimes and punishments," subtitle "False pretenses," relating to frauds and false pretenses upon hotel and livery-stable keepers, as amended and reenacted by the act of 1894, chapter 418. (Chap. 287, p. 845, approved April 7, 1898.)

The amended sections declare that every person who shall by any false or fraudulent representations obtain lodging, or credit, or the use of any horse or vehicle, or food or stabling for a horse or horses in any hotel in the State of Maryland, or from the keeper of any livery stable, and shall subsequently refuse, decline, or fail to pay for the same, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment from one month to six months, or both. Formerly the penalty of imprisonment did not exceed three months.

It is furthermore declared that every person who shall at any hotel, inn, boarding house, or livery stable receive food or accommodation for man or beast, and shall fraudulently fail to pay for the same, or who shall under any false pretense or device obtain credit at any hotel, inn, or boarding house, and shall after obtaining such credit abscond or fraudulently depart or remove his baggage therefrom without discharging the debt incurred, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment from one month to six months, or both. Formerly the penalty of imprisonment did not exceed three months.

State horticultural department.—An act to repeal sections 51, 52, 53, 54, 55, 56, 57, and 58 of Article XLVIII of the Code of Public General Laws, title "Inspections," subtitle "Trees and nursery stock," as designated by chapter 290 of the acts of the General Assembly of Maryland of 1896, and to reenact the same with amendments under a new subtitle, to be known as "State horticultural department," and to add thereto eight new sections, to be designated 59, 59a, 60, 61, 62, 63, 64, and 65, providing for the protection of the horticultural interests of the State by the suppression and extermination of the San Jose scale, peach-yellow, pear-blight, and other injurious insect pests and plant diseases, and to create the offices of "State entomologist," "State pathologist," and "State horticulturist," and to appropriate a sum of money therefor. (Chap. 289, p. 848, approved April 9, 1898.)

The new and amended sections of this act provide for the establishment of a State horticultural department for the State of Maryland, for the purpose of suppressing and eradicating the San Jose scale, peach-yellow, and pear-blight, and other injuriously dangerous insect pests and plant diseases throughout the State.

The organization of said department is regulated, and the duty of its officers and the board of trustees controlling it is defined and regulated relative to the inspection of trees and plants and the destruction of the insects and diseases named.

The sale or transportation of nursery stock without certified label that the same has been inspected and been found free from insect pest and disease is prohibited.

Violation, a misdemeanor: Penalty, fine from \$10 to \$100 and costs for each offense, and stand committed until fine and costs are paid. Former penalty was fine of \$1 for every tree shipped when diseased.

Importing into the State of Maryland nursery stock not labeled, as herein provided, to show that said stock is free from insect pest and disease is prohibited without examination by the State entomologist and the State pathologist to prove freedom from disease.

Violation, a misdemeanor: Penalty, fine from \$10 to \$100 and costs for each offense, and stand committed until fine and costs are paid.

Provision is made for the destruction of all infested stock so imported.

NOTE.—New feature: Concerning importation of nursery stock without examination, and penalty attached for violation of provisions against such importation.

Inspection of dairies.—An act to add certain new sections to Article LVIII of the Code of Public General Laws, title "Live stock," under the new subtitle "Dairies," to follow section 18 in proper numerical order. (Chap. 306, p. 871, approved April 9, 1898.)

The new sections added declare that it shall be the duty of all dairymen or herds-men or private individuals supplying milk to cities, towns, and villages to register their herds or cattle with the live stock sanitary board, in violation of which the parties offending shall be fined from \$1 to \$20 for each offense; and provide for the inspection of dairy premises by the live stock sanitary board. If said premises are found in unsanitary condition said board may prohibit the sale and shipment of milk from such premises until such time as they shall conform to the sanitary rules herein established.

Any person who shall ship or sell milk contrary to the order of said board shall be deemed guilty of a misdemeanor: Penalty, fine from \$1 to \$20 for each day during which shipments shall be made after notice of such order.

Provision is made for granting a certificate of health whenever the provisions of this article are complied with and there is no visible sign of disease among dairy herds, such certificates to be revoked at the discretion of said live stock sanitary board.

NOTE.—New feature: Penalty for violation of order relative to condition of dairy premises, by which the sale of milk is affected.

Record of births and deaths.—An act to repeal sections 5, 6, 7, and 8 of Article XLIII of the Code of Public General Laws, title "Health," subtitle "State board of health," and to reenact the same with amendments, and to add thereto certain new sections, to be designated sections 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6j, 6k, 6l, 6m, and 6n. (Chap. 312, p. 879, approved April 9, 1898.)

The new and amended sections deal with the duties of the secretary of the State board of health, who is hereby made the State registrar of vital statistics for Maryland, relative to keeping the record of births and deaths in the State of Maryland.

Provision is made for reporting births and deaths to registrar or subregistrar of the same.

Section 6m declares that any physician or midwife, coroner, or undertaker who fails to report a birth as herein provided shall be liable to fine from \$5 to \$25 or imprisonment not less than thirty days, or both fine and imprisonment. Also that any undertaker, express agent, railroad official or employee, or other person controlling, directing, or in charge of the interment, removal, or other disposition of the body of a deceased person before required record shall be made, shall be liable to fine from \$10 to \$500 or imprisonment not exceeding thirty days, or both fine and imprisonment. Failure on the part of any physician to make a proper and correct certificate of the cause of death shall be liable to fine from \$5 to \$50 or imprisonment not exceeding thirty days, or both fine and imprisonment. Neglect or refusal on the part of any registrar to perform any of the duties enjoined on him by this act shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$300.

Section 8 declares that whenever the State board of health shall have cause to believe that there is any danger of cholera, smallpox, or other contagious or infectious disease invading this State or country it shall be the duty of said board to take such action and enforce such rules and regulations as may be necessary to prevent the introduction of such infectious or contagious disease within the State of Maryland. Refusal by any person or corporation to obey such rules and regulations is declared a misdemeanor: Penalty, fine from \$50 to \$500 for each offense.

NOTE.—New features: The provisions as set forth in section 6m.

Frauds by officers of insurance companies.—An act to add an additional section to Article XXVII of the Code of Public Laws of Maryland, title "Crimes and punishments," under the subheading "Fraud by directors or officers of insurance companies," to be known as section 119b of said article. (Chap. 320, p. 900, approved April 9, 1898.)

The new section added declares that any director or officer of any insurance company or association or fraternal beneficiary association who shall receive any premium or assessment on behalf of said company, association, or fraternal beneficiary association, knowing at the time that said company or association is insolvent, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Disturbance of public peace.—An act to repeal and reenact with amendments section 67 of Article XXVII of the Code of Public General Laws, title "Crimes and punishments," subtitle "Disturbance of the public peace." (Chap. 351, p. 939, approved April 7, 1898.)

The amended section prohibits the willful obstruction or hindering the free passage of persons passing along or by any public street or highway in any city or town of this State; also the disturbance of any neighborhood in such city or town by loud and unseemly noises or use of profane and obscene language upon or near any such street or highway within the hearing of persons passing by or along such highway;

also the hindrance or obstruction of the free passage of persons on or through or out of the station grounds of any railroad in the State, or disorderly manners within such station grounds by making loud and unseemly noises or catching hold of and soliciting persons on said grounds against their will. Violation subjects to fine of not less than \$1 and costs.

NOTE.—Former legislation enlarged; penalty unchanged.

Red clover seed.—An act to prevent deception in the sale of red clover seed. (Chap. 364, p. 961, approved April 9, 1898.)

Section 1 prohibits the sale of red clover seed mixed with yellow trefoil seed unless package containing such mixture is duly stamped and branded as such.

Neglect or refusal to comply with this provision, or to render illegible or conceal such stamp or brand, is declared a misdemeanor: Penalty, imprisonment from five to thirty days and fine of \$50 for first offense; for second offense, imprisonment from sixty to ninety days and fine of \$100.

Red clover seed mixed with yellow trefoil seed and sold not in accordance with the provision of this act shall be forfeited.

Injuring electrical conductors or meters.—An act to add 2 additional sections to Article XXVII of the Code of Public General Laws of Maryland, title "Crimes and punishments," subtitle "Destroying property maliciously," to be known as sections 59a and 59b. (Chap. 400, p. 1004, approved April 9, 1898.)

The new sections added declare it to be unlawful for any person or persons to willfully connect or disconnect any electrical conductors for the purpose of using or wasting the electric current, or to in any wise tamper with any meter used to register current consumed, or to interfere with the operation of any dynamo or other electrical appliance.

Violation, a misdemeanor: Penalty, imprisonment not exceeding six months or fine not exceeding \$500, or both, or either imprisonment and fine.

Eight-hour law in Baltimore.—An act to repeal the act of 1892, chapter 286, entitled an act to add a new section to Article IV of the Code of Public Local Laws, title, "City of Baltimore," subtitle, "Mayor and City Council of Baltimore," to come in after section 31, and to be called section 31a, relating to the hours of labor of mechanics and laborers employed upon city work, and to reenact the same with amendments. (Chap. 458, p. 1085, approved April 9, 1898.)

The reenacted section declares that no mechanic or laborer employed by the mayor and city council of Baltimore, or by any officer, agent, contractor, or subcontractor under them, shall be required to work more than eight hours per day as a day's labor; provided that this section shall not apply to the employees of the fire department, Bayview Asylum, or the Baltimore city jail.

Any officer, agent, contractor, or subcontractor who shall require any mechanic or laborer to work more than eight hours per day, contrary to the provisions of this section, shall be subject to fine from \$10 to \$50 for each offense.

NOTE.—Former legislation provided for a day's labor of nine hours.

Regulating horseshoeing.—An act to regulate horseshoeing in the city of Baltimore and the twelfth district of Baltimore County. (Chap. 491, p. 1139, approved April 9, 1898.)

Section 1 prohibits any person from practicing the business of horseshoeing in the city of Baltimore or in the twelfth district of Baltimore County unless such person has obtained a certificate and has been duly registered as herein provided.

Sections 2 to 5, inclusive, provide for the examination of persons desiring to practice the business of horseshoeing within the district named, and regulate the same relative to obtaining certificate, which shall be duly signed and sealed by the board of examiners for horseshoers, and registered as herein provided.

Violation of provisions is declared a misdemeanor: Penalty, fine not exceeding \$25, or imprisonment in Baltimore city or county jail not exceeding one month.

Corporation stores, Allegany County.—An act to prohibit railroad and mining corporations, their officers and agents, from selling or bartering goods, wares, or merchandise in Allegany County to their employees. (Chap. 493, p. 1143, approved April 14, 1898.)

Section 1 prohibits railroad and mining corporations doing business in Allegany County from selling goods, wares, and merchandise to their employees.

Section 2 declares it unlawful for the clerk of the circuit court for Allegany County to issue a trader's license to any corporation or person to sell goods, wares, and merchandise, unless applicant is under oath that he has no interest direct or indirect in such store or business, or the profits thereof, purposed to be carried on under said license.

Section 3 declares that any store or business conducted in Allegany County by railroad or mining corporation, or private individuals engaged in railroading or mining, in which goods, wares, or merchandise are sold to the employees of the owners of such store or business in part payment of their wages, shall be subject to a suit at law for damages by the employees purchasing such goods, and be liable to said employees to the amount paid for such goods bought by such employees.

Section 4 declares that any such mining corporation who through its stockholders, officers, by any rule or regulation of its business, shall make any contract with the keepers or owners of any other store whereby its employees shall be obliged to trade with such keeper or owner, shall be guilty of a misdemeanor, and subject to damages payable to said employee to the extent of the amount of goods purchased from said store.

Violation of the provisions of this law to prevent employers from controlling the trade of their employees or coercing and directing them to any certain store is declared a misdemeanor: Penalty, fine from \$50 to \$500 and suppression of trader's license.

Road commissioners, Anne Arundel County.—An act to repeal and reenact with amendments sections 191 to 203, both inclusive, of Article II of the Code of Public Local Laws, title, "Anne Arundel County," subtitle, "Roads," and chapter 378 of the acts of 1890, and chapter 645 of the acts of 1892, and chapter 464 of the acts of 1896, which amended and added new sections to said title and subtitle; and to reenact with amendments the sections under said subtitle, and to add additional sections thereto, to be known, respectively, as sections 191 to 203, both inclusive, and 203a to 203x, both inclusive, of said article and subtitle. (Chap. 531, p. 1256, approved April 9, 1898.)

The new and amended sections deal with the appointment of road commissioners for the several districts of Anne Arundel County, who shall adopt rules and regulations for calling and holding meetings for the transaction of business and for other purposes.

The duties and powers of said road commissioners are herein regulated and defined relative to the work upon the public roads in said districts of said county.

Contractors willfully failing to comply with requirements to repair said roads are declared guilty of a misdemeanor, and for every offense shall be subject to fine of \$5 and costs.

The expenditure of funds arising from district road taxes is regulated, and it is declared unlawful for any highway to be dug up for laying or placing pipes, sewers, posts, wires, railways, or other purposes, and no tree shall be planted or removed or obstruction placed thereon, except by the written consent of the board of district road commissioners.

Any corporation or individual who shall by unusual use of any public road materially damage the same shall be required to repair all damages. Failure to make such repairs when notified is declared a misdemeanor; also obstructing roads with rubbish or otherwise: Penalty, fine from \$1 to \$50 with costs, and in default of payment imprisonment in county jail not exceeding ten days, or both fine and imprisonment.

Section 203v declares that any person who shall maliciously and intentionally ride or drive upon a pavement or sidewalk, or shall willfully obstruct, injure, or destroy any of said public roads, bridges, finger boards, culverts, or ditches on said public roads, or shall willfully injure any of the tools or implements, or take possession of or use the same without right, shall be guilty of a misdemeanor: Penalty, fine for each offense from \$1 to \$50 and costs, and liability for double damages to the county or person injured.

NOTE.—New feature: Provisions of section 203v.

Public roads.—An act to provide for maintaining and keeping in repair the public roads of Worcester County, and to repeal all laws inconsistent therewith so far as the same apply to Worcester County. (Chap. 498, p. 1163, approved April 9, 1898.)

Sections of this act provide for the division of Worcester County into three road districts and for the appointment of a road supervisor for each district, who shall require two days' work in every year upon the roads from male inhabitants between the ages of 21 and 55 years and every other male inhabitant above 55 years possessing taxable property assessed at \$500 or upward who shall have resided within the limits of Worcester County for one month next preceding the date when his services may be demanded, physically disabled persons being exempted from such labor.

Failure to obey summons of road supervisor to perform said labor on roads in Worcester County subjects to payment of 75 cents for each and every day (not

exceeding two days) that such labor is not performed. Formerly the sum to be paid was \$1.50 for each day's failure.

Section 6 declares that any person liable to labor as aforesaid who shall refuse to obey summons or to labor on said public roads as provided, and shall refuse and neglect upon demand to pay said sum of 75 cents per day as aforesaid, or shall refuse or neglect to furnish a substitute for said labor, shall be deemed guilty of a misdemeanor: Penalty, fine equal in amount to said sum of 75 cents per day for not exceeding two days and costs, party offending to stand committed to county jail until fines and costs are paid, but imprisonment not to exceed ten days. Formerly the fine amounted to \$1.50 per day for not exceeding two days.

Road supervisors are required to give bond for the faithful performance of their duties; and provision is made for placing finger boards or signs at such of the forks of the public roads as county commissioners may think need the same.

Any person tearing down or defacing such finger boards shall be subject to fine from \$5 to \$10.

Other sections, from 9 to 13, inclusive, regulate the construction of said public roads in said Worcester County.

Waterworks (chap. 125, p. 581, approved March 29, 1898).—Forbids pollution of water for town of Takoma Park: Penalty, fine \$5 to \$50.

Sinking fund (chap. 125, p. 584, approved March 29, 1898).—Officials applying sinking fund to any other purpose than the purchase of bonds of Takoma Park, misdemeanor, and shall be fined not less than the amount so misapplied.

Chapter 150, page 614, approved April 9, 1898, relates to town of Hyattsville and contains provisions and penalties the same as above.

(Chap. 276, p. 821, approved April 9, 1898).—Provides for the erection of a public-school building and the management of a free district school for colored children at Annapolis; provides for the issue of bonds and for a sinking fund for their redemption. Any person having charge of such sinking fund suffering the same to be diverted or applied to any other purpose, guilty of misdemeanor. Fine not less than the amount misapplied or imprisonment in the house of correction from six months to two years, or both such fine and imprisonment.

Infectious diseases (chap. 436, p. 1059, approved April 9, 1898).—Adds new sections to article 43 of the Code of Public General Laws entitled "Health," subtitle "Infectious diseases."

Provides that when any householder knows that a person within his family is sick of smallpox, diphtheria, membranous croup, scarlet fever, typhoid fever, typhus fever, measles, mumps, whooping cough, or any other infectious or contagious disease, he shall immediately give notice to the board of health. Provides for disinfection: Penalty for noncompliance fine not exceeding more than \$100.

Physicians are likewise obliged to give notice of all such cases: Penalty, fine \$50 to \$200.

Midwives and nurses must be registered and must report cases of fever in lying-in women. Violation, misdemeanor: Fine not more than \$100 or imprisonment not exceeding six months, or both.

Licenses for stevedores.—An act to add an additional section to the Code of Public Local Laws of Maryland, volume 1, Article IV, title "City of Baltimore," subtitle "Licenses," to be known as section 668a, to provide for licenses for stevedores. (Chap. 505, p. 1176, approved April 9, 1898.)

The new section added declares that before any person or body corporate shall transact the business of a master stevedore in the city of Baltimore, he or it shall first obtain from the clerk of the court of common pleas in said city a State's license, authorizing him or it to carry on said business in the said city, and provision is made for the procurement of such license.

Violation, a misdemeanor: Penalty, fine of \$100 or imprisonment in city jail not exceeding six months, or both fine and imprisonment.

Fines in Baltimore County.—An act to repeal chapter 448 of the acts of the general assembly of 1894, entitled an act to appropriate the fines and forfeitures imposed by the circuit court for Baltimore County, and by justices of the peace thereof, to the treasurer of the board of county school commissioners of Baltimore County, for the use of the public schools of said county, and to reenact the same with amendments. (Chap. 527, p. 1240, approved April 9, 1898.)

The amended chapter provides for the payment of all fines and forfeitures imposed by the circuit court for Baltimore County, and by justices of the peace of said county, to the board of county school commissioners of Baltimore County for the use of the public schools of said county, and in making returns to said board the

sheriff or justice of the peace shall make a statement giving name of party convicted or that forfeited his recognizance, the date of conviction or forfeiture, the charge on which arrested, and the amount of fine or forfeiture, and a reference to his docket and folio.

Section 5 declares that if the sheriff of Baltimore County, or any justice of the peace, shall violate any of the provisions of this act he shall pay a fine from \$25 to \$200.

NOTE.—New feature, penalty imposed upon sheriff or justice of the peace.

Fines and forfeitures (chap. 87, p. 170, approved March 29, 1898).—Reenacts section 3 of article 38, Code Public General Law title "Fines and forfeitures."

Section 3 reads as follows:

3. Any person who shall or may hereafter be committed to jail on any charge, including contempt of court, by the judgment of any court of justice, or by any justice of the peace of this State, for nonpayment of any fine and costs not exceeding the sum of fifty dollars, who shall have remained in custody as aforesaid for the space of thirty days; or any person who shall or may hereafter be committed to jail aforesaid for nonpayment of any fine and costs above fifty and not exceeding one hundred and fifty dollars, who shall have remained in custody aforesaid for the space of sixty days; or any person who shall or may hereafter be committed to jail aforesaid for the nonpayment of any fine and costs above one hundred and fifty and not exceeding five hundred dollars, who shall have remained in custody aforesaid for the space of ninety days; or any person who shall or may hereafter be committed to jail aforesaid for the nonpayment of any fine and costs above five hundred dollars, who shall have remained in custody aforesaid for the space of six months, shall be discharged from further imprisonment on account of said fine and costs.

MUNICIPAL PENALTIES.

Sharpsburg (chap. 99, p. 178, approved April 7, 1898).—Amends the charter of Sharpsburg, Washington County.

Section 21 declares that any justice of the peace of Sharpsburg, or the burgess or assistant burgess, may hear and determine cases arising under the ordinances, and impose fines for the violation thereof. Should the person convicted fail to pay the fine, he shall be committed to the county jail for a period not exceeding thirty days, unless he shall pay fine and costs before the expiration of that period.

Duties of mayor of Oakland (chap. 25, p. 84, approved March 2, 1898).—Relates to town of Oakland and amends charter.

Sec. 171. Willful neglect of duty or misbehavior in office on the part of the mayor is hereby declared a misdemeanor, and on conviction before a justice of the peace, or in the circuit court for Garrett County, he shall be removed from office.

City of Baltimore (chap. 123, p. 241, approved March 24, 1898).—It is not the purpose of this report to present municipal ordinances with the penalties attached to them. The report is confined to crimes and misdemeanors which are distinctly recognized and specified under the State laws. But while the charter of every town or city confers the right to enact local laws with limited penalties, there are in various charters specific offenses for which the punishment is provided in the charter itself. In that case it is not a municipal regulation, but a State law. In such cases the offense and the penalty are indicated in this report.

Under paragraph 6, under general powers conferred upon the mayor and the city council of Baltimore (p. 271), it is stated that the mayor and city council may enforce ordinances of fine and imprisonment, but no fine shall exceed \$500 nor imprisonment exceed twelve months for any offense.

The following is a list of the offenses and punishments which are designated in the charter of Baltimore and punished by State enactment:

Offense.	Punishment.	
	Fine.	Imprisonment.
Assault and battery.....	Not less \$25.....	Not less 1 month, Or 3 months; either or both.
Acting as auctioneer without authority...	\$100 to \$500.....	
Auctioneer selling goods without license..	\$50 to \$100 for every article exposed for sale.	
Auctioneer selling goods not in terms of license.	.....do.....	
Auctioneers to designate partners and place of business.	Not more than \$500.....	
Auctioneers charging more than law allows.	\$500 for each offense.....	

Offense.	Punishment.	
	Fine.	Imprisonment.
Auctioneer not authorized to permit persons to sell under his license, unless in his employ.	\$100 to \$200	
Auctioneer shall render account of sales to comptroller of city and State treasurer.	\$100 to \$700, and forfeits appointment.	
Auctioneer guilty of fraud.....	\$100 to \$1,000	
Auctioneers paying portion of fee to any trustee or executor, etc.	\$50 to \$200	
False swearing.....	The same as perjury	
Obstruction of aisles of public halls, churches, etc.	Not exceeding \$500	
Coal oil or gasoline forbidden in factories..	\$100 and costs	
Fire escape required for factories.....	\$200	
Horses and carriages: Licensed hackmen to display number and rates.	\$10	
Drivers abusing passengers.....	\$20	Or jail 30 days to 6 months.
Drivers asking exorbitant fare.....	Not more than \$50	
Drivers not to go upon public stands without special license.	\$20	
Proprietors shall give notice when they increase number of carriages.	\$10	
Officers having charge of dead bodies to be buried at public expense failing to notify anatomy board.	\$50 to \$100	
Physicians receiving such body to give bond that it shall be used only for the promotion of medical science within the State; traffic in the same misdemeanor.	.....	Hard labor jail not more than 5 years.
Larceny under \$5 .....	.....	6 months to 2 years in jail; hard labor or penitentiary.
City sheriff failing to make returns within prescribed time.	\$5	
Witness failing to attend criminal court...	Not more than \$150	
Clerks of courts failing to give bonds within 30 days, misdemeanor and removal from office.	.....
Cruelty to animals.....	\$5 to \$20	
Dog fighting, bull baiting, etc.....	Not less than \$50	Jail 30 to 90 days; either or both.
Destroying property maliciously.....	Not more than \$50	Or house of correction; not more than 6 months, or both.
Fraudulent voting.....	\$200, not more	Jail not more than 6 months, or both.
Election officers fraudulently receiving votes.	Not more than \$300	Jail to 6 months, or both.
Removing or adding ballots unlawfully during canvass.	To \$300	Do
False oath.....	do	Do
Refusal to permit accredited representatives at polls.	To \$200	Imprisonment 2 months.
Voting twice, intimidation, and other violations of election laws.	\$100	Imprisonment to 30 days.
Fraudulent certificates and illegal practices by judges or clerks of election, etc.	do	Do
Engineers working without certificate.....	\$25 to \$50	
Owners refusing to admit board of examining engineers.	do	
Destroying fire hose or apparatus.	.....	Penitentiary 2 to 5 years.
Assaulting firemen.....	\$10 to \$100	City jail to not less than one month.
Selling oil or fluids below fire test.....	\$5 to \$20	
Accidents from such oil renders seller liable to fine.	\$500 to \$1,000	
False reports of inspectors of oils	\$500 to \$2,000	
Selling striped bass or rock less than half pound each.	To \$20	Jail to 30 days, or both.
Selling white perch weighing less than a quarter of a pound.	do	Do.
Wharves not to obstruct harbor.....	To \$200	
Vessels not to obstruct harbor	\$5 for refusal to move and \$5 an hour for delay to passing vessel.	
	do	
Vessels not to enter docks when there is no vacant place there.	.....
Vessel not loading or unloading at wharf disobeying order to move.	\$50, and \$5 for each hour after expiration of five hours.	
Wood or lumber not to be landed on Pratt-street wharf.	\$20	
No person to receive more than 6½ cents upon each cord of wood landed upon any wharf [wharfage].	\$5 to \$10	

Offense.	Punishment.	
	Fine.	Imprisonment.
Pharmacists selling drugs without license	\$50 a week.....	
Qualification for dispensing prescriptions.	\$50.....	
Adulterating medicines.....	do.....	
Seats for female employees.....	\$150.....	
Firms employing unqualified plumbers...	\$10 to \$50 a day.....	
Unqualified persons working as plumbers...	\$5 to \$50 a day.....	
Requiring mechanics or laborers to work more than nine hours a day.	\$10 to \$50.....	
Masters of vessels bringing immigrants must report to mayor.	\$20 for each passenger.....	
Owner or consignee to give bond for each alien passenger to relieve city and State from cost.	\$20 for every neglect.....	
Using unstamped barrel for farm products.	\$100 to \$500.....	
Coal dealers to have suitable scales on premises.	\$10.....	
Selling coal without weighing.....	do.....	
Refusing to weigh on other scales when demanded.	\$5.....	
Selling coal without a weight ticket.....	\$5 to \$10.....	
Altering gauge marks on casks.....	\$20.....	
Acting as gauger without license.....	\$300.....	
Licensed gauger guilty of fraud.....	\$500 to \$1,000.....	3 years or both.
Neglecting to weigh hay or straw, or concealing rubbish in load.	\$5.....	
False certificate of hay weight.....	do.....	
Diminishing load after weight to deceive.	\$20.....	
Neglect of inspector to weigh live stock...	10 cents an hour for each head.	
Owners of steam boilers to report to inspector.	\$50 a day for each day neglected.	
Owners failing to have boiler ready for inspection on notice.	\$50 for such failure and \$50 each day boiler is used.	
Inspectors giving certificate without test..	Forfeit bond and be removed.	
Use of condemned boiler.....	Not less \$100 for each day..	
Use of boiler without inspection.....	\$100, and \$50 for each day boiler is used.	
Prescribes measure for a cord of wood....	\$50 to \$100.....	
Cord wood to be measured in a frame.....	\$5.....	
Neglect to measure carts or altering of measurement.	do.....	
Fraudulent drawing of jurors.....		1 to 3 years.
Sheriff violating jury law.....	\$1,000.....	
Fees prescribed for justices and constables.	\$100 to \$300.....	
Excessive charge, misdemeanor.		
Keeping billiard table for use without license.	\$500.....	
Horse dealers to be licensed.....	\$100.....	
Selling liquor without license.....	\$500 to \$5,000.....	Jail or house of correction 3 to 12 months, or both.
Persons having license violating law.....	\$100 to \$500.....	
Second offense.....	\$500 to \$1,000.....	3 to 12 months.
Distillers' and brewers' licence.....	\$250 to \$500.....	
Pawnbrokers to keep certain records.....	To \$20.....	Imprisonment to 30 days, or both.
Pawnbrokers failing to take out license or file bond.	\$500.....	Jail 6 months, or both.
Real estate brokers failing to obtain license	\$200 to \$500.....	
Failure to obtain separate license for each place of business.	do.....	
Violation of market laws.....	\$4 to \$15.....	
Butter sold by a pound weighing less than 16 ounces shall be seized and sold for the city.		
Market clerks demanding unauthorized tax.	\$20.....	
Oysters in shell to be measured by licensed measurer.	\$20 to \$50.....	Until fine is paid.
Refusing to obey summons of police commissioners.	\$25 to \$50.....	
Refusals of police officers to obey board; misdemeanor, punishable as such.		
Carrying concealed and dangerous weapons.	To \$500.....	6 months in jail or house of correction.
Thieves and pickpockets.....	To \$100.....	6 months to 2 years.
Impersonating policemen.....	\$5, not less than.....	To 1 year.
Street railroad companies shall not require men to work more than twelve hours a day.	\$100, and may forfeit charter.	
Safety gates at street railway crossings....	\$50 for each day of neglect.	
Street railways refusing park commissioners to inspect books.	\$100 each day of neglect....	

Offense.	Punishment.	
	Fine.	Imprisonment.
Street railways corruptly certifying gross receipts.	To \$1,000.	6 months in jail, or both.
Selling ice on Sundays.	To \$50	
Obstruction of sewers.	\$100	
Attempting to enforce the collection of taxes after lapse of four years.	\$20.	
Habitual beggars or vagabonds, commitment to almshouse or Maryland House of Correction.		1 week to 2 months, first conviction.
Do		Second conviction, 1 to 6 months.
Do		Third conviction, 6 to 12 months.
Girls under 16 and boys under 14 not to be admitted to dance houses or concert saloons; keepers punishable by \$10.		
Pretending to be parents or guardians of children.	\$20.	
Forbidden to employ waitresses in places of amusement.	\$100 to \$1,000.	1 to 6 months.
Polluting water supply.	\$5 to \$50 for each offense.	
Erecting obnoxious establishments near water supply.	\$50, and \$10 each day of continuance.	
Injuring waterworks, water pipes, etc.	\$5 to \$50	

Brunswick (chap. 495, p. 1145, approved April 9, 1898).—Section 26 empowers the authorities of the town of Brunswick to impose fines (limit not stated), and in default of payment and the costs of prosecution may imprison offenders not exceeding one day for every dollar of fine imposed and not exceeding thirty days in all.

Ocean City (chap. 528, p. 1245, approved April 9, 1898).—Mayor and council of Ocean City may pass ordinances and enforce penalties not exceeding \$10 for any one offense, and in default of payment committing to jail not exceeding ten days.

Municipal elections (chap. 528, p. 1243, sec. 5, approved April 9, 1898).—Section 5 requires the mayor to appoint three judges of election. The clerk of the city council shall file the return of votes and issue certificates of election. Failure of the mayor or of the clerk of the council to perform the duties imposed under this section a misdemeanor: Penalty, not exceeding \$50.

Fines in criminal court, Baltimore (chap. 123, p. 428, art. 443, approved March 24, 1898).—No person shall hereafter be allowed to give security for the payment of any fine and costs imposed by the criminal court of Baltimore, but any person who shall be sentenced by the court to the payment of any fine and costs shall stand committed until they are paid: *Provided*, That if such fine and costs are less than ten dollars, the person so sentenced shall be discharged from custody at the end of thirty days from the date of their imposition, if no imprisonment has also been ordered by the court, or at the end of thirty days from the expiration of the time for which said person shall have been ordered to be imprisoned, upon sufficient proof shown to the court that the person imprisoned is unable to pay the said fine and costs: *And provided also*, That if the said fine and costs are more than ten and less than fifty dollars, the person so imprisoned shall be discharged from custody at the end of sixty days from the imposition thereof, if no imprisonment be ordered by the court, or at the end of sixty days from and after the expiration of the time for which said person has been ordered to be imprisoned, on proof shown of his inability to pay said fine and costs: *And provided also*, That if the said fine and costs exceed the sum of fifty dollars, the person so imprisoned shall be discharged from custody at the end of six months from the imposition thereof, or from the expiration of the term for which he was ordered to be imprisoned, on proof shown of his inability to pay.

GAMBLING AND BETTING.

Gambling, Carroll County.—An act to add additional sections to Article VII of the Code of Local Public Laws, title "Carroll County," to come in after section 256, and to be known as sections 257 and 258 of said Article VII, and to be designated as subtitle "Gambling." (Chap. 64, p. 139, approved March 14, 1898.)

The new sections added prohibit the playing with cards or any other devices, any game or games of chance for money or other thing of value, upon or near to or in

sight of any street, lane, alley, road, highway, path, footway, or other public or private way, or upon any land, or in any house adjacent thereto, within the limits of said Carroll County.

Violation of these provisions subjects to fine not exceeding \$50, or imprisonment in county jail or house of correction for a term not exceeding six months, or both fine and imprisonment.

Gaming, Harford County.—An act to add additional sections to the Code of Public Local Laws of Maryland, title "Harford County," under a new subtitle, "Gaming," to follow the subtitle "Fish," and to be known as sections 136a and 136b, to follow section 136 of said article. (Chap. 212, p. 720, approved April 5, 1898.)

The new sections of this act prohibit betting or gambling or dealing in pools within the limits of Harford County upon the result of any race or contest of any kind of persons, horses, or beasts, or establishing, renting, or occupying any house, building, or place for the purpose of betting or gambling as aforesaid.

Violation, a misdemeanor: Penalty, fine from \$200 to \$500 or imprisonment from six months to one year, or both fine and imprisonment.

Gaming, Anne Arundel County.—An act to add a new section to Article II of the Code of Public Local Laws, title "Anne Arundel County," under the new subtitle "Gaming," to be designated as section 275 of said article. (Chap. 290, p. 854, approved April 9, 1898.)

The new section added prohibits gambling within the limits of Anne Arundel County as heretofore prohibited in other counties of the State of Maryland (see chap. 285, p. 842), provided that it shall be lawful during the month of October of each year for any person to make a pool or book, or to bet within the grounds of any agricultural association upon any horse race which shall be actually held or run within the said grounds, race course, or driving park, upon which said person shall so make a pool or a book, or shall so bet, upon the same day on which said race shall be held.

Violation, a misdemeanor: Penalty, fine from \$200 to \$500 or imprisonment from six months to one year, or both fine and imprisonment.

Gambling on races, etc.—An act to amend Article XXVII of the Code of Public General Laws, title "Crimes and punishments," subtitle "Gaming," by repealing section 124a thereof, as enacted by the act of 1894, chapter 232, and reenacting the same with amendments, and by adding four new sections to said article, to follow immediately after section 124a, to be designated sections 124b, 124c, 124d, and 124e. (Chap. 285, p. 842, approved April 7, 1898.)

The new and amended sections named in act prohibiting gambling in any manner in the State of Maryland on the result of any race or contest, or keeping any place on land or water for such gambling purposes.

Violation, a misdemeanor: Penalty, fine from \$200 to \$1,000 and subject to imprisonment from six months to one year, or both fine and imprisonment. Formerly the penalty was fine not exceeding \$500, or imprisonment from six months to one year.

Making a pool or book, or betting on the result of a race on the same day on which said race shall be held, providing the race course or driving park be licensed, is prohibited in the city of Baltimore, but not in other counties of the State of Maryland. Provision is made in sections 124c, 124d, and 124e, for procuring license of race course or driving park in the city of Baltimore.

Gaming, Anne Arundel County.—An act to add a new section to Article II of the Code of Public Local Laws, title "Anne Arundel County," under the new subtitle "Gaming," to be designated as section 276 of said article. (Chap. 271, p. 813, approved April 7, 1898.)

The new section prohibits betting or wagering money or anything of value at the game commonly called crap or at any other game of any character whatsoever that is or can be played with dice, within the limits of Anne Arundel County. Violation subjects to fine not exceeding \$25, or imprisonment not exceeding six months, or both fine and imprisonment.

Gambling, Cecil County.—An act prohibiting gambling in Cecil County; a new section to article 8, to be designated as section 415. (Chap. 13, p. 72, approved March 2, 1898.)

Includes subtitle "Crimes and punishments," making it unlawful to bet, wager, or gamble on horse races, or other contests, or to keep houses or grounds for betting purposes: Penalty, fine of not less than \$200 nor exceeding \$500; one-half to go to the informer, and one-half for use of public schools; or imprisonment in county jail for not less than six months nor more than one year, or both, in the discretion of the court.

GAME LAWS.

Wild fowl, birds, and game.—An act to repeal and reenact with amendments sections 13, 14, and 15 of Article XCIX of the Code of Public General Laws, title "Wild fowl, birds, and game," and to add certain new sections to said article for the better protection and preservation of birds and game animals, said sections to follow section 15, and to be designated as sections 15b, 15c, 15d, 15e, 15f, 15g, 15h, 15j, 15k, 15l, 15m, 15n, 15o, 15p, 15q, 15r, and 15s, and to read as to said sections repealed, and reenacted as follows (chap. 206, p. 708, approved April 9, 1898):

The new and amended sections of this act prohibit shooting, or in any manner catching or killing, also selling or buying certain wild fowl, birds, and game animals herein specified, within the close seasons in the counties of the State of Maryland, under penalty of fine from \$1 to \$10 for each bird or animal so caught, killed, sold, or bought.

Shooting, catching or killing squirrels within close season, except in Garrett and Allegany counties, is prohibited, under penalty of fine from \$1 to \$5 for each squirrel caught; selling the same in close season prohibited, under penalty of fine from \$1 to \$2 for each squirrel sold.

Section 15b prohibits killing doves in close season, under penalty of fine from \$1 to \$2 for each dove killed.

Section 15c prohibits killing snipe or plover within close season, under penalty of fine from \$1 to \$2 for each snipe or plover, killed, except in Worcester County.

Section 15d prohibits killing water rail or ortolan, or reed bird, rail bird, or rice bird in close season, under penalty of fine from \$1 to \$2 for each bird killed.

Section 15e prohibits selling, buying, or having in possession in Baltimore City within the close seasons game birds and animals herein specified, under penalty of fine from \$1 to \$10; also certain song birds and other game birds, under penalty of fine from \$1 to \$2.

Section 15h prohibits shooting, killing, selling, or buying, or having in possession, alive or dead, certain song birds and gulls, under penalty of fine from \$1 to \$5 for each bird so shot, killed, sold, or bought, or had in possession. Selling the plumage or having in possession the skins, plumage, wings, or feathers of any of the said song birds and gulls is prohibited, except in certain instances for educational purposes or public or private museums.

Section 15j prohibits shooting birds or game animals except with a gun such as is habitually raised an arm's length from the shoulder, under penalty of fine from \$5 to \$25 for every bird or animal so shot, and under further penalty of fine from \$50 to \$100, and every gun so fired shall be liable to seizure.

Section 15k prohibits shooting any of the birds herein mentioned in the nighttime, under penalty of fine from \$1 to \$25 for each bird so shot.

Section 15l prohibits the use or having in possession any big or swivel gun with the intent or for the purpose of shooting the wild waterfowl herein mentioned, under penalty of fine from \$50 to \$100 for each offense.

Section 15m prohibits any person from shooting or doing any act with intent to frighten or drive wild waterfowl from their feeding or roosting grounds, under penalty of fine from \$25 to \$100 for each offense.

Section 15n prohibits the use of any ferret or weasel for the purpose of hunting or killing game animals, under penalty of fine from \$10 to \$25 for each offense, and under further penalty of fine of \$10 for each game animal so captured or killed.

Section 15o prohibits the destruction of the nests or eggs of any of the aforesaid birds, excepting birds destructive to domestic poultry, English sparrows, crows, and blackbirds, under penalty of fine from \$5 to \$25 for each offense.

Section 15p prohibits killing or injuring by poison any domestic poultry, golden pheasants, or game birds mentioned upon the premises of another, under penalty of fine from \$10 to \$300.

Section 15q prohibits trapping or netting game birds or waterfowl, or having in possession any trap or net with intent or purpose to capture or kill any such birds, under penalty of fine of \$10 for every bird so trapped, and under further penalty of \$50 for having such trap or net in possession, and every such trap or net shall be forfeited and destroyed.

NOTE.—Enlargement of former legislation, with new sections as stated in the act. Former penalty for killing partridge and woodcock was fine not exceeding \$10, and in default of payment imprisonment for thirty days.

Harford County.—An act to repeal section 128 of Article XIII of the Code of Public Local Laws of Maryland, title "Harford County," subtitle "Fish," and in lieu thereof to enact four new sections, to be known and designated as sections 128, 128a, 128b, and 128c. (Chap. 325, p. 911, approved April 14, 1898.)

The new sections named prohibit taking or catching fish in the waters of the Gunpowder River in Harford County, below the sizes fixed from time to time as marketable by the laws of this State or by the custom of the trade in this section, within the close season as herein specified.

Violation a misdemeanor: Penalty, imprisonment from three months to six months or fine from \$10 to \$300. Formerly the penalty was fine from \$20 to \$100 for each offense.

Alleghany County.—An act to repeal and reenact with amendments section 13 of Article I of the Code of Public Local Laws, title "Alleghany County," subtitle "Birds and game." (Chap. 386, p. 996, approved April 9, 1898.)

The amended section prohibits killing or destroying any woodcock, robin, or wild turkey within the close seasons herein specified, under penalty of \$5 for each woodcock, robin, or wild turkey so killed or destroyed.

NOTE.—New feature: Extension of time of open season.

Choptank River.—An act to amend Articles VI, X, and XXI of the Code of Public Laws, titles, respectively, "Caroline County," "Dorchester County," and "Talbot County," subtitle "Fish," by adding three new sections thereto, to be designated as section 146a of Article VI, section 182a of Article X, and section 116a of Article XXI. (Chap. 488, p. 1130, approved April 9, 1898.)

The new sections of articles named prohibit the use of haul seines and other net devices for taking fish in any of the waters of the Choptank River or any of its tributaries between the hours of 12 m. on each and every Saturday and sunrise of the following Monday morning.

Violation, a misdemeanor: Penalty, fine from \$5 to \$50 for each offense, or forfeiture of seines, nets, boats, and appliances, or both fine and forfeiture.

Oyster beds.—An act to add new sections to article 20, Public Local Laws, Somerset County, subtitle "Oysters," to be designated 196A, 196B, 196C, and to repeal section 46 of article 72, Public Laws, etc. (Chap. 18, p. 77, approved —, 1898.)

Makes it unlawful to survey or appropriate oyster beds or bottoms suitable for crabs, which have grown or do grow where oysters or crabs have been taken or are taken in quantities profitable to persons taking them for a livelihood: Penalty, fine of not less than \$50 nor more than \$200 for each offense, and stand committed to the county jail till fine and costs are paid.

Oysters—Taking unlawfully.—An act to repeal and reenact with amendments section 6 of Article LXXII of the Code of Public General Laws, title "Oysters," as the same was reenacted by chapter 380 of the acts of 1894. (Chap. 117, p. 204, approved March 29, 1898.)

The section herein amended declares that it shall be unlawful for any person who has obtained a license to take or catch oysters with rakes or tongs, to take or catch oysters in the waters of Talbot, Anne Arundel, and Dorchester counties with any implement or device other than ordinary rakes and tongs with wooden shafts, to be used entirely by hand, and without any ropes or hoisting gear whatever.

Violation subjects to penalty prescribed in the preceding section for taking oysters with rakes or tongs without license, which is fine from \$20 to \$100 and costs and imprisonment till fine and costs are paid, with forfeiture of boat and apparatus used.

NOTE.—Former penalty for taking oysters unlawfully, imprisonment in house of correction from three months to one year and boat and apparatus confiscated, except on payment of the sum of \$100 to \$500 and costs.

Measuring oysters, etc.—An act to add an additional section, to be designated as 67b, to Article LXXII of the Code of Public General Laws, title "Oysters," as amended by the act of 1894, chapter 380. (Chap. 260, p. 796, approved April 9, 1898.)

The new section added provides for the shucking of oysters by the gallon and not by the can, and prohibits the proprietor of any oyster house in the State of Maryland to shuck or open oysters for the purpose of shipping the same otherwise than by the gallon. The measurement of shucked oysters is regulated by a standard oyster-gallon cup, which shall be inspected and stamped as is now required by law to inspect and stamp measures, and the person neglecting so to have the same stamped and inspected shall be subject to the same fines and penalties as prescribed for such neglect.

Any person using other measure than the one herein prescribed for measuring oysters shall be guilty of a misdemeanor: Penalty, fine from \$10 to \$100 and costs, and shall stand committed until fine and costs are paid.

Oyster beds, St. Marys County.—An act to add a new section to Article XIX of the Code of Public Local Laws, title "St. Marys County," subtitle "Oysters," to

follow section 96, to be designated as sections 96a and 96b, and to repeal section 46 of Article LXXVI of the Code of Public General Laws, title "Oysters," so far as the provisions of said section are in conflict or inconsistent with the aforesaid new sections added to Article XIX of the Code of Public Local Laws. (Chap. 274, p. 817 approved April 9, 1898.)

The new sections added prohibit the holding of oyster beds within the limits of St. Marys County, except that any male citizen above the age of 21 years may have surveyed and located one acre of bottoms suitable for catching oysters for the purpose of planting the same within the limits of said county, provided that such location is not upon a natural oyster bed, which bed is herein defined.

Violation of these provisions is declared a misdemeanor: Penalty, fine from \$50 to \$200 for each offense, and stand committed to the county jail for sixty days until fine and costs are paid.

Section 96 of Article LXXII imposed a fine from \$250 to \$500 for taking oysters from the Potomac River between April 1 and November 1 of each year. The new feature of above act is the penalty imposed for violation.

Talbot County.—An act to definitely locate the waters of Talbot County lying between the mainland of said county and Poplar Island, to be used for the taking and catching of oysters with tongs worked exclusively by hand. (Chap. 403, p. 1007, approved April 9, 1898.)

Section 1 prohibits taking or catching oysters except by tongs worked exclusively by hand within the limits of Talbot County as herein defined.

Violation, a misdemeanor: Penalty, fine from \$50 to \$200 and costs, and stand committed until fine and costs are paid. Formerly the fine was from \$20 to \$100, and, in default of payment, imprisonment in house of correction from three months to one year, with forfeiture of boats and appliances used.

Dorchester County.—An act to repeal and reenact, with amendments, section 258 of Article X of the Public Local Laws of Maryland, title "Dorchester County," subtitle "Oysters." (Chap. 431, p. 1043, approved April 9, 1898.)

The amended section named declares that any person who shall use any boat, canoe, or vessel to catch oysters with scrapes or dredges in any of the waters of said county not authorized by act of 1894, or refuses to exhibit the custom-house or dredging license when called for by an officer of the State of Maryland, or catches oysters within the close season, or for any other violation of sections 253 to 262, inclusive, of above act, shall be subject to fine from \$50 to \$100 or imprisonment in house of correction from three months to six months, or both; party to stand committed until fine and costs are paid.

NOTE.—Former penalty did not include term of imprisonment.

Somerset County.—An act to repeal and reenact with amendments section 172 of Article XX of the Code of Public Local Laws, title "Somerset County," subtitle "Oysters." (Chap. 432, p. 1044, approved April 9, 1898.)

The amended section named provides for issuing a license within the county named to authorize the catching or taking of oysters with scoop, scrape, or dredge in the waters of said county within the open season. The measurement of vessel to be used under such license is herein regulated. The provisions of this act shall not apply to Pocomoke Sound.

Violation of provisions of this section is declared a misdemeanor: Penalty, fine from \$100 to \$300 for each offense and imprisonment in house of correction for one year.

NOTE.—Enlargement of former legislation. Former penalty, fine from \$25 to \$100 for each offense, offender to stand committed until fine and costs are paid.

Harford County.—An act to prohibit the taking of fish in the waters of Susquehanna and Tide Water Canal between the Baltimore and Ohio Railroad bridge at Havre de Grace and Lapidum, in Harford County; also in waters of Susquehanna River between said points at less distance than 100 yards from towpath of said canal, except by rod, hook, and line. (Chap. 435, p. 1048, approved April 9, 1898.)

Section 1 prohibits fishing with gill nets, hauling seines, or set nets of any kind in the waters named in act.

Violation, a misdemeanor: Penalty, fine from \$10 to \$50 for each offense.

Inspection of oysters (chap. 449, p. 1062, approved April 9, 1898.)—Provides for inspectors of oysters and amends previous laws. Refusal to pay the 10 cents per 100 bushels tax for the payment of said inspectors, or any interference with inspectors, misdemeanor: Fine \$20 and costs; in default of fine, jail not more than twenty days.

It shall be the duty of all buyers of oysters or commission merchants to collect the

said tax, and report monthly to the controller under oath the amount so collected, accompanied by a check in payment of the amount so collected. Any person failing to collect said tax liable to a fine double the amount of such tax not collected, and default imprisonment as above.

LIQUOR LAWS.

Garrett County.—An act to prohibit the sale of spirituous or fermented liquors or lager beer in election district No. 2 of Garrett County. (Chap. 77, p. 153, approved March 15, 1898.)

Sections of this act prohibit the clerk of the circuit court for Garrett County to issue to any person or corporation a license to sell spirituous or fermented liquors or lager beer in election district No. 2 in Garrett County; also prohibit any person or persons, firm or corporation within said election district No. 2 to take orders for any such liquors, medicated bitters, or alcoholic compounds at any time, under any pretense, in any manner, or for any purpose whatever.

Violation a misdemeanor: Penalty, fine from \$50 to \$300, or imprisonment in house of correction from three months to six months, or both fine and imprisonment.

NOTE.—Legislation of 1886 declares it to be unlawful to sell liquors at any place within Garrett County, under penalty of fine from \$50 to \$300 and costs, or imprisonment for sixty days in county jail, or till discharged by due process of law, or both such fine and imprisonment.

Question of license was submitted to the people of Garrett County to be decided by vote November, 1890. From succeeding laws the vote must have been for license. (See chap. 610, of 1890.)

Vote in town of Laurel.—An act to enable the qualified voters of the town of Laurel, Prince George County, to determine by ballot whether spirituous liquors or alcoholic bitters shall be sold in said town, and to regulate the terms and conditions of which the sale thereof may be made in case the majority of the voters of said town shall determine said question in the affirmative. (Chap. 105, p. 190, approved March 22, 1898.)

Sections of this act declare that the question whether or not persons may be licensed in the town of Laurel, by whom or in which spirituous or fermented liquors or alcoholic bitters shall be sold, shall be submitted to the qualified voters of said town, and that all the tickets or ballots prepared for said general election in said town shall have printed on them these words, "For license," "Against license;" and the vote for or against license shall determine whether or not it shall be lawful to sell liquors in the town of Laurel.

The sale of liquors in said town is prohibited without license, and provision is made for procuring license, restricted as to time of duration and transference.

Selling or furnishing intoxicating liquors to minors, to drunkards, or to anyone under the influence of liquor, or at any place within 200 feet of any church or school-house is prohibited at all times; also having place open for sale of liquors on Sunday, or on a week day before 6 a. m., or after 11 p. m.

Violation of these provisions is declared a misdemeanor: Penalty, fine from \$50 to \$100 for each offense, or imprisonment in house of correction from thirty to ninety days, or both.

Persons are prohibited from placing any screen or curtain at or in front of any door or window, or having any stained or frosted glass used in the same in any building in which liquors may be sold or kept for sale, whether the said place be open for business or not.

Keeping a disorderly house by allowing intoxicated persons or others to congregate in or upon premises where liquors are sold, or to disturb the quiet of the town to the inconvenience or discomfort of any of its citizens, is declared a misdemeanor. The officers of said town are required to enforce this section by the arrest of all persons who are drunk on the streets or in any public place, and acting disorderly, and by the arrest of any person violating the provisions herein prescribed by allowing disorderly conduct on his premises.

Selling liquors without license in the town of Laurel, or contrary to the provisions of this act, subjects to fine from \$100 to \$500 and costs, or imprisonment from three months to eighteen months, or both fine and imprisonment.

Selling with license, but in violation of other provisions of this act, subjects to fine from \$50 to \$300 and costs for first offense; for second offense, fine from \$100 to \$500, or imprisonment from sixty days to twelve months, or both, and revocation of license.

Section 15 declares that if any minor shall falsely represent himself to be of full age, and thereby induce any person holding a license under this act to sell him any intoxicating liquor of any kind he shall be guilty of a misdemeanor. Penalty, fine from \$5 to \$50 and costs, and commitment to jail until fine and costs are paid.

Section 17 declares that keeping liquors for sale or offering to sell, if proven, shall be sufficient to convict a person of violating provisions of this act.

The duty of constables and bailiffs relative to the arrest of violators of this act is defined, and provisions made for revoking licenses.

NOTE.—Legislation of 1888 declared it unlawful to sell liquors within limits of Laurel district under penalty of fine from \$50 to \$300 and costs, or imprisonment in county jail or house of correction for thirty days, or both fine and imprisonment.

The new features of above act concern license and special prohibitions; the penalties provided therefor; also evidence for conviction and duty of constables and bailiffs.

Baltimore County.—An act to repeal and reenact with amendments sections 3 and 14 of chapter 334 of the acts of 1890, title, "An act to regulate the sale and the granting of licenses for the sale of spirituous and fermented liquors in Baltimore County." (Chap. 177, p. 655, approved March 30, 1898.)

The amended sections of this act provide for and regulate the procurement of a license to sell spirituous or fermented liquors in Baltimore County, and declare that any false statement made in any part of the application for said license shall be deemed perjury, and shall be punished accordingly, and license issued shall be suppressed.

Any person having obtained a license and violating any provisions of this act except in the cases enumerated in the next preceding section (not here stated) shall, for the first offense, pay a fine from \$50 to \$200; for second offense, fine from \$100 to \$200, and license may be suppressed.

Washington County.—An act to repeal and reenact with amendments sections 320, 321, and 325 of Article XXII of the Code of Public Local Laws, title "Washington County," subtitle "Intoxicating drinks," and to add a new section to said article to be designated as section 325½. (Chap. 214, p. 722, approved April 5, 1898.)

The amended sections of this act prohibit the sale of spirituous, fermented, or intoxicating liquors in Washington County without license, and under condition of license as herein stated, and the clerk of the circuit court is prohibited from issuing a license to any applicant whose statement and recommendation is signed contrary to the restrictions herein provided: Penalty for violation by said clerk, fine of \$25.

Selling spirituous or fermented liquors or lager beer to minors is declared a misdemeanor: Penalty, fine from \$50 to \$200 and costs, and in default of payment imprisonment until fine and costs are paid or for forty days; for second offense a similar fine may be imposed and license suppressed.

Buying intoxicating liquors by persons under 21 years of age who shall have made any false statement or misrepresentation as to his age is prohibited.

Violation, a misdemeanor: Penalty, fine not exceeding \$25 or imprisonment not exceeding thirty days, or both fine and imprisonment.

Furnishing any minor with spirituous or fermented liquors or lager beer is declared a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding sixty days.

NOTE.—Enlarges former legislation, with new feature concerning recovery of fines.

Former penalty for violating license law, fine from \$50 to \$100, or imprisonment not exceeding sixty days, with suppression of license.

Former penalty imposed upon minor for obtaining intoxicating liquor by false statement, fine not less than \$5 or imprisonment not less than thirty days, or both fine and imprisonment.

Allegany County.—An act to repeal sections 175B, 175G, and section 175L of Article I of the Code of Public Local Laws of the State of Maryland, title "Allegany County," under the subtitle "Intoxicating liquors," as enacted by the acts of 1894, chapter 140, and to reenact the same with amendments. (Chap. 225, p. 754, approved April 7, 1898.)

The amended sections regulate the application for license to sell intoxicating liquors in Allegany County, and prohibit the sale of liquors to minors under 21 years of age; giving liquor to minors is also prohibited, or allowing a minor under 21 years of age upon the premises where liquors are sold, unless furnished for the use of a parent or guardian. Giving intoxicating liquor to any habitual drunkard after having received a notice that such person is an habitual drunkard and requesting licensee not to sell to him or her.

Violation of provisions by any person holding license subjects to fine from \$50 to \$200 or imprisonment from thirty days to six months, or both; for second offense, fine from \$50 to \$200 or imprisonment from thirty days to six months, or both, with revocation of license.

Procuring for or giving intoxicating liquor to any person who is an habitual drunkard subjects to fine from \$25 to \$100 or imprisonment from thirty days to six months.

The license of any person who permits minors to frequent or loiter about his place, or disreputable or disorderly persons to make it a customary place of resort, may be revoked and the same person not again licensed within two years.

NOTE.—Enlargement of former legislation with new features regarding the habitual drunkard.

License.—An act to add 2 new sections to Article LVI of the Code of Public General Laws, title "License," to follow section 81, and to be designated as sections 81a and 82b. (Chap. 246, p. 778, approved April 7, 1898.)

The new sections prohibit any club, society, or association whatever from selling or dispensing to its members or other persons any intoxicating liquor without license, procurement of which is herein regulated.

Violation by any club, society, association, or officer or agent thereof is declared a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment in jail or house of correction not exceeding one year, or both fine and imprisonment.

Somerset County.—An act to repeal section 138, as repealed and reenacted by chapter 415 of the acts of the general assembly of Maryland passed at its January session 1896, to 154 inclusive, of Article XX of the Code of Public Local Laws, title "Somerset County," subtitle "Liquor and intoxicating drinks," and to reenact the same with an amendment so as to make a uniform law prohibiting the sale of certain intoxicating, spirituous, and fermented liquors anywhere within the limits of Somerset County. (Chap. 240, p. 774, approved April 7, 1898.)

The amended section prohibits the sale of intoxicating, spirituous, or fermented liquors within the limits of Somerset County, except cider and homemade wines, on the premises where manufactured in quantities not less than 1 gallon. Violation subjects to fine from \$50 to \$100 or imprisonment in house of correction from six months to one year for each offense. Formerly the penalty was fine from \$100 to \$200 or imprisonment for sixty days in the county jail for each offense.

NOTE.—Extended to include the whole county,

Halethroe.—An act to prohibit the issuing of any license for the sale of spirituous or fermented liquors or lager beer within three-fourths of a mile of public school No. 6, located at Halethroe, in the thirteenth election district of Baltimore County, and to prevent the sale of all kinds of intoxicating drinks in the above-described limits. (Chap. 336, p. 920, approved April 7, 1898.)

Section 1 prohibits the issue of license to sell liquor within the district named in act, and declares that any person selling intoxicating drinks within said limits shall be subject to the same fines and punishments now provided by the Code of General Laws of Maryland for selling liquor without license.

Village of Jefferson.—An act to prohibit the granting of license for the sale of spirituous or fermented liquors or lager beer in the village of Jefferson, in Frederick County, or at any place in said county within 2 miles of the corporate limits of said village of Jefferson. (Chap. 337, p. 920, approved April 7, 1898.)

Section 1 prohibits the sale of spirituous or fermented liquors or lager beer within the district named in act.

Cambridge, Dorchester County.—An act to submit to the legal and qualified voters of the town of Cambridge, in Dorchester County, the question whether or not liquor shall be sold in said town, and to add certain new sections to Article X of the Code of Public Local Laws; title, "Dorchester County," subtitle, "Liquors and intoxicating drinks," to follow section 213, and to be designated as sections 213a, 213b, 213c, 213d, 213e, 213f, and 213g. (Chap. 357, p. 946, approved April 7, 1898.)

Sections of this act declare that the question of whether or not any persons may be licensed to sell spirituous or fermented liquors within the limits of the town of Cambridge, Dorchester County, shall be submitted to the qualified voters of said town at the next municipal elections thereof, notice of said elections to be given, and the ballots cast to be printed "For license" and "Against license;" and in case the majority of votes cast determine for license then it shall be unlawful to sell spirituous or fermented liquors in said town of Cambridge without license, procurement for which is herein provided and the condition of such license regulated.

Violation subjects to fine from \$50 to \$300 or imprisonment in the house of correction from three months to six months, or both fine and imprisonment for each offense. The person in possession of the premises where such liquor is sold is declared guilty of a misdemeanor, subject to same fines and penalties as the violator.

Any person having obtained a license to sell liquors under the provisions of this act who shall violate provisions of his license is declared guilty of a misdemeanor: Penalty, fine from \$50 to \$100 and costs or imprisonment not exceeding sixty days, or both, and in addition shall have license suppressed, not to be renewed for the period of five years from the date of conviction, unless a shorter period is named by the court of justice, but in no case shall the time be less than one year. In all cases of conviction offenders shall stand committed until fine and costs are paid.

Any person under 21 years of age who by misrepresentation or false statement as

to his age shall obtain any liquor from licensed firm, and any person who shall obtain for such minor any liquor from a licensed dealer is declared guilty of a misdemeanor: Penalty, fine from \$5 to \$25 and costs or imprisonment from thirty days to sixty days, or both.

Keeping barrooms or places where liquors are sold open after 12 o'clock p. m. is prohibited under penalty already stated for selling liquor contrary to provisions of license.

NOTE.—New as to the district named.

Dorchester County.—An act to repeal sections 207, 208, 209, 210, 211, 212, and 213 of Article X of the public local laws; title, "Dorchester County;" subtitle, "Liquors and intoxicating drinks," in so far as said sections of said article apply to election districts Nos. 4, 9, 6, 8, and 16 of Dorchester County, and to add a subsection, to come in after said section 213 of said article, and after the subsections heretofore enacted, to come in after the same, the said subsection now to be added to be applicable to said election districts Nos. 4, 9, 6, 8, and 16 of said county. (Chap. 433, p. 1045, approved April 9, 1898.)

The subsection added prohibits the sale of spirituous liquors within election districts named in act, also taking any orders for such liquors within said election districts.

Violation, a misdemeanor: Penalty, imprisonment in house of correction from three to six months.

NOTE.—Former legislation included election districts Nos. 1, 2, 3, 7, 10, 11, 12, 13, 14, and 15; penalty for violation was fine from \$50 to \$100 and costs, offender to stand committed until fine and costs were paid.

Dorchester County.—An act to repeal sections 207 to 213, both inclusive, of Article X of the Public Local Laws of Maryland, title "Dorchester County," subtitle "Liquors and intoxicating drinks," in so far as said sections apply to districts Nos. 10, 4, 9, and 16 of Dorchester County, and to add an additional section, to come in after section 213 of said article, to be called section 213a. (Chap. 438, p. 1051, approved April 9, 1898.)

The new section added prohibits the sale or disposition or taking orders for any spirituous liquors within election districts Nos. 10, 4, 9, and 16 of Dorchester County.

Violation a misdemeanor: Penalty, imprisonment in house of correction from three to six months for each offense; but if any such liquors, medicated bitters, or alcoholic compounds be sold on Sunday or to any minor, the party or parties so offending shall be imprisoned for not less than six months.

NOTE.—Former penalty, fine from \$50 to \$300 and imprisonment in house of correction for three months to six months for every offense.

Talbot County.—An act to repeal and reenact with amendments section 126 of Article XXI of the Code of Public Local Laws, title "Talbot County," subtitle "Liquors and intoxicating drinks." (Chap. 508, p. 1180, approved April 9, 1898.)

The amended section named prohibits the sale of intoxicating liquors within the limits of said election district of Talbot County, except by a regular pharmacist or druggist having a license for such business upon written prescription of a regular practicing physician.

Violation of provisions by any person, including pharmacists, druggists, and physicians, subjects to fine from \$50 to \$300 and imprisonment in house of correction from three to six months for each offense. Formerly the penalty did not include term of imprisonment.

Cecil County.—An act to enable the registered qualified voters of Cecil County to determine by ballot whether spirituous or fermented liquors, or cider, shall be sold in said county. (Chap. 532, p. 1273, approved April 9, 1899.)

Sections of this act declare that the question whether or not any person or persons, house, company, association, or body corporate may be licensed in Cecil County, of this State, to sell intoxicating liquors or cider, or whether or not no license to sell the same in said county shall be issued, shall be submitted to the registered and qualified voters of said county at the next general election, notice of said election to be given and the ballot cast to be printed "For license" and "Against license." If the majority of votes cast determine against license, then it shall be unlawful to sell, barter, or have in possession any intoxicating liquors or cider within the limits of Cecil County, and no license shall be granted for the sale of the same therein. This does not prevent the sale of pure apple cider in quantities of 1 gallon between August 1 and January 1 of the succeeding year. No sale of cider shall be lawful to minors or intoxicated persons, or on Sunday.

Violation of any provisions herein set forth shall subject to fine from \$100 to \$600 and costs and imprisonment in house of correction from six to twelve months, or, in

the discretion of the court, fine may be from \$100 to \$600 and costs, and in default of payment, imprisonment in house of correction from six to twelve months, or until fine and costs are paid. Formerly the penalty did not include term of imprisonment except in default of payment of fine, which was then limited from six to twelve months in house of correction.

Section 185 declares that if any druggist or pharmacist shall violate any of the provisions, he shall be liable to the penalties already stated.

If the majority of votes cast is for license, then provision is made for the appointment of a board of liquor license commissioners of Cecil County, and the issue of license by said commission is regulated.

Section 416 declares that no pharmacist or druggist in Cecil County shall sell any spirituous or fermented liquors except upon written prescription of a regular practicing physician. Violation subjects to fine from \$100 to \$500, and in default of payment of fine and costs, imprisonment in house of correction not exceeding six months.

Selling without license subjects to fine from \$200 to \$500, and in default of payment of fine and costs, imprisonment in house of correction from six months to one year.

Minors are prohibited from entering barrooms, and sale of fermented liquors to minors is prohibited. Violation subjects to fine from \$100 to \$500, or imprisonment in county jail from thirty to ninety days, with suppression of license.

Selling liquor to an intoxicated person is prohibited; also selling between the hours of 12 o'clock at night and 6 o'clock in the morning. Violation subjects to fine from \$25 to \$100 or imprisonment from thirty to ninety days.

Section 422 declares that any vendor of spirituous or fermented liquors sold in Cecil shall be liable to pay damages to any husband, wife, parents, child, employee, or other person injured by reason of any person being intoxicated by liquors sold by said vendor in violation of any of the provisions of this act.

NOTE.—New features, concerning penalties imposed for violation of provisions if liquor is to be sold under license in Cecil County.

Brunswick (chap. 495, p. 1157, approved April 9, 1898).—Made unlawful to sell or to give away intoxicating drinks of any kind, nor shall any license be issued for the sale of the same in the town of Brunswick. Penalty, \$50 to \$200 for first offense; subsequent offenses, \$200 to \$500. Commitment to jail in default of payment.

SEC. 34. Licensed pharmacists may sell liquor upon the written, bona fide prescription of a regular practicing physician for some person who is actually sick. Physicians violating this section shall be fined from \$50 to \$200 for first offense, from \$200 to \$500 for each subsequent offense. May be committed to jail in default of payment.

MASSACHUSETTS.

1897 and 1898.

Felony.—"Any crime punishable by death or imprisonment in the State prison is a felony; and no other crime shall be so considered." (General Statutes (1860, 2d ed. 1873), chap. 168, sec. 1.)

Misdemeanors.—Punishments for misdemeanors are provided for by statute.

Violation of duties by county officers.—An act imposing penalties for the violation of duties imposed by law upon county officers. (Chap. 130, p. 95, approved March 5, 1897.)

Section 1 declares that county commissioners, county clerk, or county treasurer violating any duty imposed upon them by law shall forfeit from \$50 to \$1,000.

Provision is made for the recovery of said forfeiture, and for the treasurer to render an annual account to the county commissioners of all money received and paid by him in behalf of the county.

Animals with infectious diseases.—An act relative to animals affected with infectious diseases. (Chap. 178, p. 146, approved March 19, 1897.)

Sections 1 and 2 declare that any owner, agent, or other person in charge of or called to examine an animal in the city of Boston affected with either of the diseases known as glanders, farcy, or rabies shall forthwith report to the board of health of said city the name of the owner and place of keeping of such animal, and provide for the disposal of such affected animals.

Violation of any of the provisions of this act subjects to fine not exceeding \$100, or imprisonment not exceeding one year.

Jurisdiction of district, municipal, and police courts.—An act relative to the jurisdiction of district, police, and municipal courts. (Chap. 180, p. 147, approved March 19, 1897.)

As amended, the section named declares that district, police, and municipal courts shall have jurisdiction of the offense of indecent exposure of the person, of violation of provisions relative to the destruction of property when the value of property or amount of injury done does not exceed \$100, of all nuisances at common law, and of the offense at common law of keeping and maintaining a common, ill-governed, and disorderly house. In such cases the punishment shall be fine not exceeding \$100 or imprisonment not exceeding one year.

Fire insurance companies.—An act to prohibit Massachusetts insurance companies from soliciting or transacting business in any State wherein they have not been authorized to transact business. (Chap. 186, p. 149, approved March 19, 1897.)

Section 1 declares that no fire insurance company chartered under any law of this Commonwealth shall solicit or transact business in any State until said corporation has been lawfully authorized to transact business therein, nor shall any such corporation pay or allow any commission or emolument to any person whatsoever within any State to which it has not been lawfully admitted for the solicitation or procurement of insurance upon property therein.

Violation subjects to fine of not less than \$300.

Sale of liquor in public parks.—An act to prevent the sale of intoxicating liquors in the public parks, pleasure grounds, and reservations within the Commonwealth. (Chap. 207, p. 162, approved March 27, 1897.)

Section 1 prohibits the granting of liquor licenses for the sale of spirituous or intoxicating liquors in any public park, pleasure grounds, or reservation within the Commonwealth of Massachusetts.

Violation subjects to the penalties provided in chapter 100 of the public statutes and in acts in amendment thereof, which penalty is fine from \$50 to \$500 or imprisonment from one to six months, or both.

Forest fires.—An act to provide for the further protection of trees and for the prevention of fires in woodlands. (Chap. 254, p. 225, approved April 9, 1897.)

Sections of this act provide for the appointment of town foresters, and define their powers and duties relative to the setting out, cultivation, and preservation of shade, ornamental, or forest trees, and to the control and management of forest fires.

Section 6 declares that any person willfully refusing or neglecting, without good and sufficient cause, to furnish assistance when called upon at time of forest fires to allow the use of wagons, horses, or other articles of property when required shall be punished by fine from \$5 to \$100 for each offense, and may in addition be imprisoned for a period not exceeding sixty days.

Said forester and his deputies shall cause to be posted at suitable places warnings against the setting of fires and a statement of the law relating thereto. Whoever wantonly tears down or defaces any such notice shall be subject to a fine of \$10.

Section 9 declares that whoever builds a fire on any lands not owned or controlled by him shall, before leaving the same, totally extinguish such fire, and upon failure to do so shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding one month, or both.

And whoever willfully or negligently sets a fire on any land not owned or controlled by him, whereby property is injured or endangered, or who willfully or negligently suffers any fire upon his own land to escape beyond the limits thereof, to the injury of another, shall be punished by fine not exceeding \$100 or imprisonment not exceeding one month, or both, and liable for all damages that may be caused by such fire.

Section 10 prohibits setting fires in the open air on any land between April 1 and October 1 of each year without permission of forester or one of his deputies. Violation subjects to fine not exceeding \$100 or imprisonment not exceeding one month, or both fine and imprisonment.

It shall be the duty of the forester to cause public notice to be given of the above provision, and for any willful failure so to do he shall be liable to the same penalty as provided for violation.

Licensing of gas fitters.—An act relative to the licensing of gas fitters and to the supervision of the business of gas fitting in the city of Boston. (Chap. 265, p. 235, approved April 10, 1897.)

Section 1 prohibits any person, firm, or corporation from engaging in or working

at the business of gas fitting in the city of Boston after October 1, 1897, either as employer or as a journeyman, unless such person, firm, or corporation has received a license therefor.

Provision is made for the examination of applicants desiring to engage in the business of gas fitting in the city of Boston by a board of examiners who, upon satisfactory evidence of competency and qualification therefor, shall issue license to said applicant.

Provision is also made for the inspection of gas fitting and for the granting of permits by building commissioner to pipe buildings or fit them for gas or to repair pipes or fixtures.

The placing of gas pipes and fixtures in buildings is regulated.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine not exceeding \$100 for each offense, and if license is held under this act said license may be revoked.

Women probation officers.—An act relative to the appointment of women as assistant probation officers in the municipal court of the city of Boston. (Chap. 266, p. 238, approved April 10, 1897.)

Sections of this act provide for the appointment of women to act as assistants to the probation officer in the municipal court of the city of Boston and define their duties. Refusal or neglect to perform their duties as herein regulated subjects to the penalty specified in section 8 of chapter 356 of the acts of the year 1891. (\$200 forfeit.)

Transportation of liquors.—An act to further regulate the transportation of spirituous and intoxicating liquors into no-license cities and towns. (Chap. 271, p. 249, approved April 10, 1897.)

Sections of this act provide for the marking of vessels or packages containing spirituous or intoxicating liquors when transported into no-license cities or towns, and for keeping record of receipt and delivery of such vessels or packages by railroad and express corporations, such record to be open to officers of inspection.

Section 3 declares that all vessels or packages containing intoxicating liquors addressed contrary to the provisions of this act, or to a fictitious person, or to a person unknown or who can not be found, may be seized by any officer authorized to serve criminal process, and shall, with the liquor contained therein, be declared forfeited to the Commonwealth.

Section 4 declares that no person shall solicit in the territory of a no-license city or town orders for or purchases of intoxicating liquors.

Violation of the provisions of this act subjects to the penalties provided in chapter 100 of the Public Statutes and in acts in amendment thereof, which penalties are fine from \$50 to \$500, or imprisonment from one month to six months, or both.

Illegal voting.—An act relative to voting in the city of Boston. (Chap. 296, p. 285, approved April 21, 1897.)

Sections of this act provide for the registration of voters in the city of Boston, and for the examination of applicants for registration by the board of election commissioners.

Section 7 declares that any person who gives a false answer to any authorized question relating to his registration, or who attempts to register under any name other than his own, or to register illegally, or who votes or attempts to vote illegally, and any election officer who knowingly permits or aids in the violation of any provisions of law relating to registration or election, shall be punished by imprisonment in the State prison for not more than three years, or in the house of correction for not less than six months.

NOTE.—Formerly the penalty unchanged did not apply to any election officer violating provisions of the law.

Adulteration of food.—An act relative to the adulteration of food (Chap. 344, p. 335, approved May 6, 1897.)

Section 1 prohibits the manufacture or sale of any article of food that is adulterated.

Section 2 defines the term "food" as here used.

Section 3 defines what may be deemed adulterated food.

Section 4 prohibits sale of canned articles of food unless marked to indicate the grade or quality thereof, together with the name and address of the person, firm, or corporation which packed the same, or of the dealer who sells the same.

Section 5 provides for the marking of canned articles of food prepared from dried products as "soaked;" also for a special mark on cans, jugs, or packages containing maple sirup or molasses.

Section 6 declares that any person, firm, or corporation falsely stamping or labeling any cans, jars, or other packages, containing fruit or food of any kind, and any person, firm, or corporation violating any of the provisions of this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$100 in the case of venders, and in the case of manufacturers and those falsely or fraudulently stamping or labeling cans, jars, or other packages, fine from \$100 to \$500.

Overseers of the poor.—An act relative to the support of the poor in towns. (Chap. 374, p. 359, approved May 10, 1897.)

Section 1 defines the duty of overseers of the poor in towns where paupers are supported outside of workhouses and almshouses, relative to the proper investigation of places where said paupers are maintained.

Violation of the provisions of this act by any overseer of the poor subjects to fine not exceeding \$100.

False alarms of fire.—An act to increase the penalty for giving false alarms of fire. (Chap. 385, p. 365, approved May 10, 1897.)

By amending section 13, of chapter 206, a penalty for giving a false alarm of fire is increased from fine not exceeding \$50 or imprisonment not exceeding six months, to fine not exceeding \$100 or imprisonment not exceeding six months.

Alcohol in the arts.—An act to authorize the granting of licenses to dealers in paints and dealers in chemicals for the sale of pure alcohol for mechanical, manufacturing, or chemical purposes. (Chap. 398, p. 375, approved May 13, 1897.)

Section 1 provides for granting special licenses for the sale of pure alcohol for mechanical, manufacturing, or chemical purposes, and for keeping record of such sales to be open to the inspection of certain officers herein named.

Section 6 declares that any dealer in paints or chemicals to whom such license is granted who violates any of the provisions of this act, or who sells pure alcohol for any other purpose than for mechanical, manufacturing, or chemical purposes shall be punished by fine from \$50 to \$500, or imprisonment from one month to six months, or by both fine and imprisonment. In addition he shall forfeit his license and be disqualified to hold a license for one year after his conviction.

NOTE.—New feature, special license to dealers in paints and chemicals.

Section 25 of chapter 100 of the public statutes provides a penalty of fine from \$100 to \$500, and damages for neglect to comply with notice not to sell liquor.

Bounty claims.—An act relative to the compensation to be paid to persons prosecuting claims for bounties. (Chap. 399, p. 376, approved May 13, 1897.)

By this act the fees for prosecuting claims for bounties is fixed at \$5. Any attorney or other person who demands or receives for his services any greater compensation than the sum herein specified shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment at hard labor not exceeding six months, or both such fine and imprisonment.

Stealing bicycles.—An act defining the penalty for stealing bicycles. (Chap. 409, p. 381, approved May 18, 1897.)

By this act it is declared that whoever is convicted of a second offense of larceny of a bicycle, if the property stolen exceeds the value of \$10, shall be punished by imprisonment in the State prison not exceeding five years, or fine not less than \$100, or imprisonment in the jail not less than three months.

Sewerage works of Boston.—An act relative to the sewerage works of the city of Boston. (Chap. 426, p. 396, approved May 22, 1897.)

Sections of this act provides for the construction, maintenance, and operation of sewerage works in the city of Boston to be under the charge of the board of street commissioners.

Section 9 declares that no person shall destroy or injure any sewerage work of said city, or without lawful authority therefor pollute or obstruct any natural water course therein. Violation subjects to fine not exceeding \$1,000 or imprisonment not exceeding six months, or both.

Burial of human bodies.—An act relative to the burial of human bodies. (Chap. 437, p. 407, approved May 26, 1897.)

Section 1 provides for the procurement of a permit from the board of health or agent thereof for the burial or removal of a human body, and undertakers or persons having care of a cemetery or burial ground are prohibited from burying or removing a body without such permit.

Section 4 declares that no undertaker shall bury the ashes of a human body which has been cremated until he has received from the person having the charge of the crematory a certificate that the burial permit and the certificate of the medical examiner prerequisite to the cremating of said body have been duly presented.

Violation of the provisions of the first four sections of this act shall subject to a forfeiture not exceeding \$50.

Section 6 prohibits removal or transportation of bodies of persons who have died of smallpox, scarlet fever, diphtheria, or typhus fever, until such body has been so encased and prepared as to preclude any danger of communicating the disease to others; giving a permit for the removal of such body is also prohibited until a certificate stating the cause of death and that body has been properly prepared has been received.

Violation of the provisions of this section, penalty not exceeding \$25.

Section 7 provides for licensing undertakers to take charge of the funeral rites preliminary to the interment, removal, or cremation of a human body.

NOTE.—Former penalty for violation of provisions regarding permit for burial was fine not exceeding \$25.

Public records.—An act relative to public records. (Chap. 439, p. 411, approved May 28, 1897.)

Sections of this act define the term "public records," and provide for the custody of such records, together with the safe care and keeping of certain original papers and documents.

Provision is further made for furnishing copies of public records upon request, and for demanding a public record from person having the same in his possession.

Section 12 declares that every person who unlawfully keeps in his possession any public record, or removes any public record from the room in which it is usually kept, or violates any of the provisions of this act, or alters, defaces, mutilates, or destroys any public record, shall for each offense be punished by a fine from \$10 to \$500; and every public officer who neglects or refuses to perform any duty required of him by this act shall, for each month of such neglect or refusal, be punished by a fine of not more than \$20.

NOTE.—Embraces in substance former legislation.

Former penalty for defacing a public record was fine not exceeding \$50.

For neglect of duty by county, city, or town clerk, forfeiture of \$20 for each month of neglect.

For neglect of duty by registrar or clerk, fine of \$10 for each offense. (See Public Statutes, 1882, chap. 37, sec. 16.)

Weights and measures.—An act relative to weights and measures. (Chap. 443, p. 418, approved June 2, 1897.)

Sections of this act authorize the treasurer and receiver-general to procure and keep in a safe and accessible place in the statehouse a set of apothecaries' weights, and also a set of wine measures which shall be the sole authorized standards of apothecaries' weights and of wine measures in this Commonwealth.

Duplicate sets of said weights and measures shall be furnished to county treasurers and to city and town treasurers for the use of the inhabitants of such cities and towns, and which shall be used as standards in the respective cities or towns in which the same are kept.

Section 5 declares that the treasurer of any county, city, or town who neglects to provide a suitable place for keeping such weights and measures, or who neglects to keep them in good order and repair, or who suffers any of them, through his neglect, to be damaged, lost, or destroyed, shall forfeit \$200; said treasurers neglecting to have such standards of weights and measures adjusted and sealed at least once in three years by the treasurer of the Commonwealth or by the county treasurer, shall forfeit a sum not exceeding \$50.

Provision is further made for testing weights and measures used by persons dealing in drugs, medicines, or merchandise, commonly sold by troy weight or wine measure.

Failure to keep such weights and measures tested subjects to fine from \$5 to \$50 for each offense.

NOTE.—Embraces former legislation with new features, concerning time of comparing and testing weights and measures; also penalty attached for violation of provision regarding test.

Births, marriages, and deaths.—An act relative to the registry and return of births, marriages, and deaths. (Chap. 444, p. 420, approved June 2, 1897.)

Sections of this act provide for the registration of births, deaths, and marriages by city and town clerks; for monthly report of births to be made by physicians and midwives under penalty of fine not exceeding \$25 for neglect so to do within ten days after report is due.

Any member or servant of a family in which a child is born shall be required to furnish facts concerning the birth of such child upon request of the clerk of the city or town wherein such child was born or its parents reside. Refusal to furnish facts subjects to forfeiture not exceeding \$10 for each offense.

Further provision is made for giving notice of births and deaths by parents, house-

holders, keepers and superintendents of public and private institutions, and commanding officers of vessels. Neglect to give required notice subjects to fine not exceeding \$5.

Physicians are required to furnish certificate of death, and physicians and midwives must furnish facts concerning still-births. Neglect or refusal to make certificates as hereby required, or any false statement made therein, subjects to fine not exceeding \$50.

Certificates shall give primary and secondary causes of death of soldiers and sailors who served in the war of the rebellion. A physician who refuses or neglects to make such certificate shall forfeit \$10.

Section 15 declares that any person who willfully makes a false return in regard to any birth or death shall forfeit not exceeding \$50.

Section 20 declares that it shall be the duty of the secretary of the Commonwealth to see that all copies of records sent to his office are written in a fair and legible hand, and any city or town clerk who neglects or refuses to make or cause to be made fair and legible copies as required shall forfeit from \$20 to \$100.

Section 27 declares that in any statement of births and deaths printed by authority of a city or town no name of an illegitimate child or its parents, or of the parents of a stillborn child, shall be printed, but the word "illegitimate" or "stillborn," as the fact may be, shall be used in place thereof. Any city or town which prints the name of a child or either of its parents in violation of this section shall forfeit to the mother of such child not exceeding \$100.

A city or town clerk shall forfeit from \$20 to \$100 for each refusal or neglect to perform any duty required of him by this act.

NOTE.—Embraces former legislation with new features. Only change in penalty is concerning neglect or refusal, or false statement of physician or midwife, regarding stillbirths.

Injury to military property.—An act concerning the volunteer militia. (Chap. 448, p. 434, approved June 3, 1897.)

Sections of this act deal with various amendments to former acts concerning the staff of the commander in chief of the volunteer militia; application to be placed on the retired list; discharge of officers. Penalty for injury to military property which is hereby made, fine not exceeding \$40 and imprisonment until fine is paid; mounted officers and soldiers; and report of court of inquiry.

Other sections deal with the conditional passing of candidates by board of examiners, and with the appearance of officers before special board of examiners for questions of incompetency, neglect, or misconduct.

Inclosed platforms on street cars.—An act to require street-railway companies to inclose the platforms of cars during certain months of the year. (Chap. 452, p. 444, approved June 3, 1897.)

Section 1 declares that after January 1, 1898, all cars purchased, built, or rebuilt by any street-railway company and used in the transportation of passengers during the months from November 1 to April 1 of the following year shall have the platforms of such cars inclosed in such a manner as to protect the motormen, conductors, or other employees from exposure to the wind and inclemency of the weather: *Provided*, That such inclosures shall not obstruct the sight of the employees or endanger the safe management of the car. Any street-railway company failing or neglecting to comply with the provisions of this act shall be fined from \$50 to \$100 for each day during which such failure or neglect continues.

Section 2 defines the terms "car" and "company" under this act.

Section 3 declares that the superintendent or manager of any street railway or any officer or agent thereof is liable for the violation of the provisions of this act, and in default of payment of fine may be committed to jail until the same is paid, but not for a longer period than three months.

Section 4 declares this act shall not apply to cities of more than 50,000 inhabitants unless the board of railroad commissioners, after hearing and investigation, shall certify that in its opinion such cars can be operated therein with safety.

Forfeiture of liquors.—An act relative to the forfeiture of liquors seized under the provisions of chapter 271 of the acts of the year 1897, and the penalties to be imposed thereunder. (Chap. 487, p. 482, approved June 10, 1897.)

By this act section 5 of chapter 271 of 1897 is amended so as to read as follows:

"Any person who violates any of the provisions of this act shall be liable to the penalties provided in section 18 of chapter 100 of the Public Statutes, and in acts in amendment thereof, which penalty is fine from \$50 to \$500 or imprisonment from one month to six months, or both, and in addition forfeiture of license and disqualification to hold another license for one year. If person violating owns the premises, no other person shall be licensed to sell liquor on such premises for one year."

Brown-tail moth.—An act to require local authorities to suppress the brown-tail moth. (Chap. 516, p. 546, approved June 11, 1897.)

Section 1 authorizes local authorities to take steps for the extinction and to prevent the spread of the brown-tail moth.

Section 2 provides for inspection to be made by the board of agriculture upon the receipt of notice from local authorities when the presence of this pest is suspected.

Section 3 declares it to be the duty of owners and managers of premises infested by this moth to exert themselves persistently to confine and suppress it, and to promptly report any spread of the pest which they may discover.

City or town officers neglecting or refusing to comply with the requirements of this act shall on conviction be fined \$10 for each and every day of such neglect or refusal after receipt of notice from the board of agriculture that their city or town is infested with said moth.

Owners and managers of infested premises neglecting or refusing to comply with this act shall be fined \$1 for every day of such neglect, or confined in jail from one day to five days, or suffer both penalties.

Caucuses and elections.—An act relative to caucuses and elections. (Chap. 530, p. 572, approved June 12, 1897.)

Sections 1 and 2 define the term "caucus" as used in this act and regulate the sessions for giving opportunity to qualified voters to register.

Other sections embody various amendments to former legislation with regard to voting lists, form of ballots, information to voters concerning ballot, provision of additional caucus officers, tied votes and proceedings thereupon, voting precincts in towns, challenged votes, rejected votes, record of vote challenged, rules and regulations to be made by city or town committee, notices for holding caucuses, recount of ballots when returns are believed to be erroneous, and polling places.

Section 14 declares that whoever violates any of the provisions of chapter 417 of the acts of 1893, for which violation a punishment by imprisonment or by fine and imprisonment is now provided, shall hereafter be punished by such imprisonment only.

Section 15 declares that whoever falsely makes or willfully defaces, destroys, or suppresses any certificate of nomination, or letter of withdrawal of a name from nomination paper, or unlawfully signs any such certificate or paper, or files the same knowing it to be falsely made, shall be punished by imprisonment in jail not exceeding one year.

Section 16 prohibits illegal voting at a caucus, or making false statement as to ability for marking ballot, or marking ballot so as to be seen by any person, or giving false answer to or making false oath before a presiding officer: Penalty, imprisonment in jail not exceeding six months.

Section 17 provides a penalty of imprisonment in jail not exceeding one year for aiding or abetting in illegal voting.

Section 18 declares that whoever alters a ballot cast at a caucus, or without authority deposits a ballot in a ballot box or envelope used at a caucus, or removes the same, shall be punished by imprisonment in jail not exceeding three years.

Willful refusal or neglect to perform duty by any public officer, caucus or election officer, member of a political committee or a political convention, subjects to penalty of imprisonment in jail not exceeding one year.

Subsequent sections deal with the printing of ballots, counting of ballots, record of ballots, safe-keeping of ballots, and voting lists, and with the election of additional caucus officers.

NOTE.—New penalties are provided in sections from 15 to 19.

Pollution of water supply.—An act relative to the pollution of sources of water supply. (Chap. 510, p. 537, approved June 11, 1897.)

Sections of this act authorize the State board of health to examine all streams and ponds used as sources of water supply and to make rules and regulations and orders to prevent pollution and to secure sanitary protection of the same; provide for the appointment of agents and servants who shall attend to the enforcement of the provisions of this act and define their powers and duties; also for the hearing of complaints by the State board of health, the payment of damages, and for petition by persons aggrieved.

Section 6 declares that whoever pollutes the sources of said water supply, or violates or refuses to comply with any rule, regulation, or order made under the authority of this act, shall be punished by fine not exceeding \$500 for each offense, or imprisonment not exceeding one year in the house of correction, or both fine and imprisonment.

NOTE.—New feature, section 6 providing penalty for violation or refusal to comply with rules.

Pollution of water—Groton.—An act to incorporate the Groton Water Company. (Chap. 338, p. 323, approved May 5, 1897.)

By sections of this act a corporation is created, to be known as the Groton Water Company, for the purpose of supplying the town of Groton and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing, and all other purposes.

The business, powers, and duties of said corporation are regulated and defined relative to the purpose for which it is created, and the rights of the town of Groton established with reference to the purchase and maintenance of the waterworks herein provided for.

Section 10 declares that whoever willfully or wantonly corrupts, pollutes, or diverts any of the waters taken or held under this act, or injures any structure or other property owned by said corporation, shall forfeit three times the amount of damages assessed therefor, and shall be punished by fine not exceeding \$300 or imprisonment not exceeding one year.

Medfield.—An act to authorize the trustees of the Medfield Insane Asylum to acquire an additional water supply for said asylum. (Chap. 251, p. 223, approved April 9, 1897.)

Section 1 authorizes the trustees of the Medfield Insane Asylum to take certain land and water rights for the purpose of supplying said asylum with pure water for domestic and other purposes, and provision is made for recording description of such land, rights of way, and water rights.

The said trustees are also authorized to construct aqueducts and maintain the same, and may maintain dams and any other works in executing the purposes of this act, the Commonwealth to pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, or easement, or by any other thing done by said trustees under the authority of this act.

Section 5 declares that whoever wantonly or maliciously diverts or corrupts the water taken or held pursuant to the provisions of this act, or destroys or injures any dam, aqueduct, or other machinery or works held or used under the authority and for the purposes of this act, shall forfeit three times the amount of damages assessed therefor, and may also be punished by fine not exceeding \$300 or imprisonment not exceeding one year.

Billerica.—An act to supply the town of Billerica with water. (Chap. 471, p. 459, approved June 5, 1897.)

Sections of this act declare that the town of Billerica may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same: *Provided*, That no source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the State board of health. And for the purposes aforesaid the town of Billerica may take by purchase or otherwise hold waters within the limits of the said town of Billerica.

Provision is made for the construction and maintenance of said waterworks in the town of Billerica and for the payment of expenses and liabilities incurred thereby.

Section 6 declares that whoever willfully or wantonly corrupts, pollutes, or diverts any of the waters taken or held under this act, or injures any structure or property owned, held, or used by said town of Billerica for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, and upon conviction of either of the above willful or wanton acts shall be punished by fine not exceeding \$300 or imprisonment not exceeding one year.

Stoneham.—An act to supply the town of Stoneham with water. (Chap. 473, p. 463, approved June 7, 1897.)

Sections of this act declare that the town of Stoneham shall on application be admitted to the Metropolitan Water Board and may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; and may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same. And said town of Stoneham may, for the purposes aforesaid, hold and convey the water to be furnished by said Metropolitan Water Board through said town, and may also take and hold, by purchase or otherwise, all lands, rights of way, and easements necessary for holding, storing, purifying, and preserving such water and for conveying the same to any part of said town of Stoneham.

Provision is made for the construction and maintenance of said waterworks in the town of Stoneham and for the payment of expenses and liabilities incurred thereby.

Section 9 declares that whoever uses any water taken under this act without the

consent of said town of Stoneham, or willfully or wantonly corrupts, pollutes, or diverts any of the waters taken or held under this act, or destroys or injures any structure or property owned, held, or used by said town of Stoneham for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, and upon conviction of either of the above willful or wanton acts shall be punished by fine not exceeding \$300 or by imprisonment not exceeding one year.

Protection of birds.—An act relative to the protection of certain birds. (Chap. 524, p. 561, approved June 11, 1897.)

By this act it is declared that whoever has in his possession the body or feathers of any bird whose taking or killing is prohibited by section 4 of chapter 276 of the acts of 1886, or wears such feathers for the purpose of dress or ornament, shall be punished as provided in said section, provided that this act shall not be construed to prohibit persons having the certificate provided for in said section from taking or killing such birds; and provided further, that this act shall not apply to natural history associations or to the proprietors of museums, or other collections for scientific purposes.

Fishing in Merrimac River.—An act relative to fishing in the Merrimac River. (Chap. 110, p. 81, approved March 2, 1897.)

Section 1 declares that whoever takes shad or alewives in that part of the Merrimac River where the tide ebbs and flows, by the use of a gill net of any description, or of a sweep seine having a mesh which stretches less than 1½ inches, shall forfeit \$45 for each offense, and shall also forfeit the fish taken and the apparatus used.

NOTE.—Size of net altered.

Wild fowl of Nantucket.—An act to repeal the act to prohibit the shooting of wild fowl in the waters in and around Nantucket. (Chap. 111, p. 82, approved March 2, 1897.)

The act hereby repealed provided a penalty of fine of \$20 for shooting wild fowl in the waters around Nantucket.

Cape Ann.—An act for the protection of small game on Cape Ann. (Chap. 140, p. 102, approved March 8, 1897.)

By this act it is declared that whoever takes or kills a rabbit, gray squirrel, or chipmunk, or any land bird, except the English sparrow, within the limits of that section of this Commonwealth bounded by Squam River, Ipswich Bay, the Atlantic Ocean, Massachusetts Bay, and Gloucester Harbor, at any time within five years from the passage of this act, shall be punished by a fine of \$20 for every rabbit, squirrel, chipmunk, or bird so taken or killed.

Wild fowl.—An act for the better protection of wild fowl. (Chap. 184, p. 148, approved March 19, 1897.)

Section 1 prohibits shooting at, killing, or pursuing any wild fowl from or by the aid or use of any boat or floating device propelled by any mechanical means within certain limits of Boston Harbor.

Violation subjects to fine of \$20 for each offense.

Protection of shellfish.—An act for the protection of shellfish. (Chap. 289, p. 281, approved April 21, 1897.)

Sections of this act prohibit taking shellfish from their beds or willfully obstructing the growth of any shellfish, within the towns of Ipswich, Essex, or Rowley, except by permission of selectmen of said towns. But any inhabitant of said towns may, without said permit, take said shellfish from their beds in the town of which he is an inhabitant for the use of his family, not exceeding 1 bushel in any one day, including shells, and any fisherman may, without such permit, take such shellfish from their beds for bait for his own use, not exceeding 1 bushel in any one day, including shells.

Violation of any of the provisions of this act subjects to fine from \$10 to \$100, or imprisonment not exceeding six months.

Protection of certain birds.—An act relative to the protection of certain birds. (Chap. 339, p. 275, approved April 14, 1898.)

Chapter 524 of the year 1897 is hereby amended, and declares that whoever has in his possession the body or feathers of any bird whose taking or killing is prohibited by section 4 of chapter 276 of the year 1886, or wears such feathers for the purpose of dress or ornament, shall be punished as provided in said section. This act does not prohibit persons having the certificate provided for in said section from

taking or killing such birds, nor to natural history associations, nor the proprietors of museums or other collections for scientific purposes, nor to nonresidents of the Commonwealth passing through it or temporarily dwelling within the limits thereof.

Scoters, or coots.—An act relative to the open season for shooting scoters, or coots. (Chap. 195, p. 129, approved March 19, 1898.)

By this act section 1 of chapter 205 of 1894 is amended so as to prohibit the taking or killing of pinnated grouse, woodcock, ruffed grouse (commonly called partridge,) wood or summer duck, black duck or teal, or any of the so-called duck species, or any of the scoters (commonly called coots) within the closed season specified for said game birds.

Buying, selling, or having in possession any of the birds named during the close season is also prohibited.

Violation subjects to fine of \$20 for every bird so taken or killed or had in possession.

Provision is made for persons, firms, or corporations dealing in game, or engaged in the cold-storage business, relative to having birds mentioned in their possession.

Neglect to supply water.—An act relative to furnishing water in certain cases. (Chap. 168, p. 111, approved March 12, 1898.)

Section 1 declares it to be unlawful for any corporation engaged in selling or distributing water to refuse or neglect to furnish or supply water to or for any building or premises for the reason that a water bill remains unpaid by any previous owner or occupant of said building or premises; provided that such corporation shall not be in arrears for water previously furnished.

Refusal or neglect to furnish water subjects to fine from \$10 to \$20.

Clothing made in unhealthy places.—An act relative to the manufacture and sale of clothing made in unhealthy places. (Chap. 150, p. 97, approved March 9, 1898.)

By this act amended sections of chapter 508, 1894, prohibit the use of rooms or apartments in tenement or dwelling houses for the purpose of making therein clothing or wearing apparel of any kind, except by the members of the family dwelling therein, and require a family desiring to do such work to be licensed, provision being made for procuring such license.

Every room or apartment in which any garments or articles of wearing apparel are made is required to be kept in a cleanly condition, and shall be subject to the inspection and examination of the inspectors of the district police.

Further provision is made for reporting evidence of infectious disease in any workshop, room, or apartment in any tenement or dwelling house in which garments or articles of wearing apparel are made by the inspector.

A specified tag or label to be affixed to certain tenement-made garments is hereby required.

Obstructing fire engines.—An act to provide that fire engines and apparatus shall have the right of way while passing through the streets of a city or town. (Chap. 162, p. 108, approved March 12, 1898.)

By this act it is declared that the officers and men of the fire department of any city or town, with the engines and apparatus thereof, shall have the right of way, while going to a fire upon any alarm thereof, through any street, lane, or alley in said city or town.

Whoever wilfully and maliciously obstructs or retards the passage of such engines and apparatus while so going to a fire shall be punished by imprisonment not exceeding three months, or by fine not exceeding \$50.

Sale of poisons.—An act relative to the sale of poisons. (Chap. 192, p. 127, approved March 17, 1898.)

An amended section of chapter 397 of the year 1896 provides for keeping a record of poisons sold without written prescription of physician, which shall be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding \$50.

Whoever sells poisons without written prescription of a physician shall affix to the bottle, box, or wrapper containing the poison sold a label upon which shall be printed in large black letters the word "poison," also the word "antidote," and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix label to poisonous article before delivery of purchase, and giving a false or fictitious name to the vendor by the purchaser of poison, subjects to fine not exceeding \$50.

This act shall not apply to wholesale dealers and to manufacturing chemists in

their sales to the retail trade, nor to the general merchant who may sell packages containing less than one-fourth of a pound of arsenical poisons for the purpose of destroying potato bugs or other insect life upon plants, vines, or trees; provided that label is attached to each package sold.

NOTE.—New features: First, addition of carbolie acid to list of poisons; second, concerning cocaine; third, provision made for sales by general merchant.

Sausages.—An act to prohibit the use of certain coloring matter in the manufacture of sausages. (Chap. 193, p. 128, approved March 17, 1898.)

By this act it is declared that whoever uses, in the manufacture of sausages, any coloring substance injurious to health shall be punished by fine not exceeding \$100 for each offense.

Boston and Maine Railroad.—An act to authorize the Boston and Maine Railroad to purchase and hold the shares of the capital stock of any railroad corporation whose road is leased to or operated by it or of which it owns a majority of the capital stock. (Chap. 194, p. 128, approved March 19, 1898.)

Sections of this act authorize the Boston and Maine Railroad to purchase and hold shares of the capital stock of any railroad corporation whose road is leased to or operated by it, or of which it owns a majority of the capital stock; and said railroad may also issue and dispose of its own shares subject to the approval of the railroad commissioners. Certificates representing shares of purchased capital stock shall be stamped "Non-transferable," and the same shall never be allowed to pass out of the treasury of said railroad; said certificates shall, upon the written order of the Board of Railroad Commissioners, be produced and exhibited to them at any time; and the franchise tax assessable against a lessor corporation shall be computed upon the valuation of its shares not purchased, held and stamped hereunder.

Violation of these provisions by any member of the board of directors, or treasurer, or other officer or agent of the Boston and Maine Railroad subjects to fine not exceeding \$1,000, or imprisonment not exceeding one year, or both fine and imprisonment.

Alleys in Boston.—An act relative to alleys in the city of Boston. (Chap. 298, p. 230, approved April 8, 1898.)

Section 1 authorizes the board of street commissioners to lay out and construct public alleys in the city of Boston, not exceeding 25 feet in width, said city not to be liable for any defect or want of repair in any public alley, nor required to keep the same free from snow, but said city shall be required to keep the same free from any substance which is liable to cause sickness or a nuisance.

Whoever drops or places and suffers to remain in any public alley any snow or ice, or any rubbish or obstruction of any kind, shall be fined not exceeding \$50 for each offense.

The death penalty.—An act to regulate the infliction of the death penalty. (Chap. 326, p. 265, approved April 13, 1898.)

Sections of this act provide for the appointment of a week within which the sentence of death shall be executed by the court and for the confinement of persons sentenced to the death penalty in a jail or prison in the county in which such sentence is pronounced until within ten days of the first day of the week appointed for the execution of the sentence, when he shall be delivered to the State prison, to be kept in his cell provided for the purpose, no person being allowed access to such prisoner except the officers of the prison, his counsel, his physician, a priest or minister of religion, if he shall desire one, and the members of his family.

The sentence of death shall be executed by the warden of the State prison, or by person acting under his direction, within the week appointed by the court, unless the execution is respited, when said execution shall be deferred as herein provided; day and hour of such execution shall be determined by warden of the State prison.

Sections 4 to 6 declare that the punishment of death shall be inflicted within an inclosure or building provided for the purpose, adjoining the State prison, by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of such current must be continued until such convict is dead.

Section 5 provides that there shall be present beside the warden or deputy warden performing the execution such officers of the State prison as the warden may deem necessary. There shall be present the prison physician, the surgeon-general of the militia, and the medical examiner of the district in which the State prison is situated, or in case of their inability to be present, such physicians as the warden may approve, and the members of the medical profession present shall be the legal witnesses of the execution. There may also be present the sheriff of the county in which the

sentence was pronounced or his deputy and a priest or minister of religion and, with the approval of the warden, not more than three other persons.

Other provisions relate to making of return by warden, to providing necessary appliances for such execution, and for the expenses thereof.

Fire district in Huntington.—An act to authorize the establishment of a fire district in the town of Huntington. (Chap. 343, p. 277, approved April 15, 1898.)

Section 1 of this act provides for the establishment of a fire district in the town of Huntington within certain limits of territory, the boundaries of which are herein stated.

Other sections deal with the organization of said fire district, and provide for a prudential committee who shall have charge of all hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps, and street sprinkling. The duties and powers of said prudential committee are furthermore regulated and defined with regard to the maintenance of said fire district.

Section 9 declares that no sidewalk graded, constructed, reconstructed, or repaired in said fire district under the provisions of this act shall be dug up or obstructed in any part thereof without the consent of said prudential committee; and whoever rides, or drives, or leads any cattle, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids, or persons disabled, upon or along any sidewalk in said district, except to cross the same, or digs up or otherwise obstructs the same without such consent, shall forfeit a sum from \$1 to \$5 for each violation.

NOTE.—Includes substance of Public Statutes for 1882. Chapter 295 of 1895 also applies. New feature: Penalty involved in section 9, as above stated.

Protection of children.—An act relative to the protection of children. (Chap. 394, p. 337, approved April 29, 1898.)

By amending section 49 of chapter 508 of the year 1894, persons are prohibited from employing or exhibiting, or selling or apprenticing or giving away for the purpose of employing or exhibiting, a child under 15 years of age for purposes of dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, performing as a gymnast or acrobat in any circus or public place whatsoever.

The penalty for violation of this provision (see sec. 64, chap. 508 of the year 1894), fine not exceeding \$200, or imprisonment not exceeding six months.

Voting in caucuses.—An act relative to voting in caucuses. (Chap. 435, p. 389, approved May 14, 1898.)

By amending section 7, chapter 489 of 1895, it is declared that all notices for holding caucuses shall apply to all members of the political party whose caucuses are to be held, and to them only, and that no person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party within twelve months next ensuing. Provision is made for determining membership in the party and restraining others than those entitled to vote from attending said caucus.

Persons whose right to vote is challenged are required to take oath as herein provided for, record of the administration of such oath to be made by clerk of caucus.

Any voter or caucus officer violating any of the provisions of this act shall be punished by imprisonment not exceeding one year.

NOTE.—New features: First, concerning oath administered to persons whose right to vote is challenged; second, penalty for violating provisions.

Offenses against chastity and morality.—An act relative to the punishment of offenses against chastity and morality. (Chap. 444, p. 396, approved May 20, 1898.)

Amended sections of chapter 329, 1886, prohibit the seduction of unmarried women of chaste life, also inducing any person under the age of 18 years, of chaste life, to have unlawful intercourse.

Violation subjects to penalty of fine not exceeding \$1,000, or imprisonment not exceeding three years in State prison or one year in common jail or house of correction, or both fine and imprisonment.

Fraternal beneficiary organizations.—An act relative to fraternal beneficiary organizations. (Chap. 474, p. 424, approved May 27, 1898.)

Sections of this act provide for the formation of a fraternal beneficiary corporation, regulating its agreement of association, organization, and manner and method of transacting business.

Reinsurance with or transfer of membership to organizations not authorized to do business in the Commonwealth is prohibited.

Any person who shall solicit membership for, or in any manner assist in procuring membership in, or aid in the transaction of business for any corporation or organiza-

tion not authorized to do business in this Commonwealth, shall be guilty of a misdemeanor. Penalty, fine from \$50 to \$200, or imprisonment from three months to two years, or both fine and imprisonment.

Section 18 declares that any solicitor, agent, or examining physician who shall make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining any money or benefit in any corporation transacting business under this act, shall be guilty of a misdemeanor. Penalty, fine from \$100 to \$500, or imprisonment in county jail from thirty days to one year, or both fine and imprisonment. And any person who shall make false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury and shall be punished as provided by the laws of this Commonwealth for the crime of perjury.

Section 21 declares that any fraternal beneficiary corporation, association, or society transacting business in this Commonwealth, and any agent or officer of such corporation, association, or society neglecting to comply with or violating any provision of this act, shall be punished by fine from \$50 to \$200, or imprisonment from three months to two years, or both fine and imprisonment.

NOTE.—By above act chapter 522 of the acts of 1894 is so fully amended as to make legislation of 1898 practically new.

Regulating the employment of labor.—An act to regulate the employment of labor. (Chap. 494, p. 497, approved June 2, 1898.)

Sections of this act declare that no child under 14 years of age shall be employed in any factory, workshop, or mercantile establishment; nor shall any child be employed for wages during the hours when the public schools of the town or city in which he resides are in session, nor before 6 in the morning or after 7 o'clock in the evening.

No child under 16 years of age shall be employed in any factory, workshop, or mercantile establishment unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the district police and inspectors of factories, an age and schooling certificate as is herein prescribed.

Provision is made for keeping lists of such children employed therein, one on file and one posted near the principal entrance of the building in which such children are employed.

The approval of said age and schooling certificate is regulated, requiring presentation of an employment ticket as herein prescribed.

Section 6 declares that whoever employs a child under 16 years of age, or having such child under his control permits him to be employed in violation of sections 1 and 2 of this act, shall for such offense be fined not exceeding \$50. Continuing to employ such child after being notified by truant officer or inspector of factories subjects to fine from \$5 to \$20 for every day thereafter that such employment continues. Any corporation or employer retaining any age and schooling certificate in violation of provisions regarding such certificate shall be fined \$10. False statement by person authorized to sign certificate subjects to fine not exceeding \$50.

Section 7 regulates the employment of certain minors, and declares that any person who employs a minor in violation of the provisions of this section shall forfeit for each offense not more than \$100. Any parent, guardian, or custodian who permits any minor under his control to be employed in violation of provisions shall forfeit not more than \$20.

Provision is made in section 8 for truant officers to visit workshops and mercantile establishments for the purpose of reporting illegal employment of minors.

NOTE.—Former penalty for employing child under 16 years of age contrary to provisions, fine from \$20 to \$50. New feature, penalty for failure to give age and schooling certificate to truant officer.

School attendance and truancy.—An act relative to school attendance and truancy. (Chap. 496, p. 451, approved June 2, 1898.)

Sections of this act deal with the instruction to be given in the public schools of cities and towns within the State of Massachusetts, and provide for the maintenance of high schools and evening schools, declaring that no child shall be excluded from a public school of any town or city on account of race, color, or religion.

The attendance of children at public schools is regulated with regard to age, residence, vaccination and contagious diseases, and provision made for taking an annual census of children by the school committees of all towns and cities.

Whoever has under his control a minor over 5 years of age, and withholds information in his possession sought by a school committee or its agents relating to the

items required to be ascertained in taking the census, or falsifies in regard to the same, shall forfeit and pay a fine of not more than \$50. Formerly the penalty for such violation was fine not exceeding \$20, or imprisonment not exceeding thirty days.

School-teachers are required to keep registers of daily attendance and to make return thereof to the school committees. Failure to make return by towns or cities on or before the specified date subjects to forfeiture of a portion of the school fund.

Provision is made for the maintenance of truant schools subject to visitation by the State board of education and by the State board of lunacy and charity.

Habitual truants, that is, children between 7 and 14 years of age, or habitual absentees, that is, children between 7 and 16 years of age, or habitual school offenders, that is, children under 14 years of age, who persistently violate the reasonable regulations of the school which they attend so as to render themselves fit subjects for exclusion therefrom, may be committed, if a boy, to a county truant school for a period not exceeding two years, or to the Lyman School for Boys; if a girl, to the State industrial school for girls, unless such children are placed on probation, as provided.

County commissioners, whenever they think it will be for the best interest of any child committed to a county truant school under their control, may permit such child to be at liberty.

Section 30 declares that any inmate of a county truant school who persistently violates the reasonable regulations of said school, or is guilty of indecent or immoral conduct, or otherwise grossly misbehaves so as to render himself an unfit subject for retention therein, may be committed, if a boy under 15 years of age, to the Lyman School for Boys; if a boy over 15 years of age, to the Massachusetts Reformatory at Concord. The period of commitment to be determined by laws and regulations governing commitments thereto.

Section 31 declares that any person having under his control a child between 7 and 14 years of age who fails to cause such child to attend school as herein required, the physical or mental condition of such child not being such as to render his attendance at school harmful or impracticable, shall forfeit and pay a fine of not more than \$20. Any person who induces a child to absent himself unlawfully from school, or employs, or harbors while school is in session any child absent unlawfully from school, shall forfeit and pay a fine of not more than \$50.

The school committee of every town and city is authorized to appoint truant officers, and their duties are herein regulated and defined.

Provision is furthermore made for the commitment of certain children to the custody of the State board of lunacy and charity, to the overseers of the poor, or to the directors of public institutions, until they arrive at the age of 21 years, or for any less time.

NOTE.—Formerly the limit of age for truants to be committed was between 7 and 15 years. Commitment to any institution of instruction, or suitable situation provided for that purpose, for a term not exceeding two years. Formerly, habitual school offenders were committed to house of reformation.

Disfiguring advertisements.—An act relative to the disfigurement of objects by the posting of advertisements or otherwise. (Chap. 500, p. 468, approved June 6, 1898.)

By this act it is declared that whoever paints, or puts upon, or in any manner affixes to any fence, structure, pole, rock, or other object, the property of another, whether within or without the limits of the highway, any words, device, trade-mark, advertisement, or notice, not required by law to be posted thereon, without first obtaining the written consent of the owner or tenant of such property, shall, on complaint of owner, or his tenant, or any public officer, be punished by fine not exceeding \$10.

Any notices or advertisements so put up or affixed within the limits of a highway in violation of the above provisions shall be deemed a public nuisance, and may be removed or obliterated.

Wages of women and minors.—An act to prohibit deductions in the wages of women and minors employed in manufacturing and mechanical establishments. (Chap. 505, p. 471, approved June 6, 1898.)

By this act deductions in the wages of women and minors who are paid by the day or hour, employed in manufacturing or mechanical establishments, is prohibited; for time during which machinery stopped if said women and minors were refused the privilege of leaving the mill while the damage to the machinery was being repaired, and none of the employees referred to shall be compelled to make up time lost through the breaking down of machinery unless compensated at their regular rates of wages.

Violation of the provisions of this act subjects to fine not exceeding \$20 for each offense.

Standard record inks.—An act to provide a penalty for the violation of the law relative to the use of standard record inks for public records. (Chap. 510, p. 474, approved June 8, 1898.)

By this act it is declared that no person having the care or custody of any book of record or registry in any of the departments or offices of the Commonwealth, or of any county, city, or town therein, shall use or allow to be used upon such books any ink excepting such as is furnished by the secretary of the Commonwealth.

Violation subjects to fine not exceeding \$50.

Bounty claims.—An act to provide for the payment of bounties to Massachusetts soldiers from the treasury of the Commonwealth in certain cases. (Chap. 525, p. 484, approved June 14, 1898.)

Sections of this act provide for the establishment of a commission to act upon claims for unpaid bounties presented by honorably discharged veterans of the late war for the suppression of the rebellion, or by the widows or minor orphan children, or by the dependent mother or father of such veterans, under provisos herein stated.

City and town clerks are required to furnish information relative to claims made. The fee for prosecuting claim for bounty is fixed at \$5, and any attorney or other person who demands or receives for his services any greater compensation than the sum above specified shall be guilty of a misdemeanor. Penalty, fine not exceeding \$100 or imprisonment at hard labor not exceeding six months, or both fine and imprisonment.

NOTE.—Embraces former legislation with new features regarding information to be furnished by city and town clerks, and the declaration that findings of the commission shall be final.

Park regulations.—An act relative to streets and lands in the neighborhood of parks, parkways, and boulevards in the city of Boston. (Chap. 540, p. 527, approved June 20, 1898.)

Sections of this act authorize the board of park commissioners to connect public ways with parkways and boulevards, and empowers said board to plant trees, place seats, standpipes, drinking fountains, and works of art on parts of ways, and to establish reasonable rules and regulations relating to the displaying of advertisements and to the height and the character of fences placed upon said parts of ways.

Violation of such rules or regulations shall subject to forfeiture and payment of fine not exceeding \$20 for each day that such violation continues.

Brown-tail moth.—An act to require the State board of agriculture to take charge of the work of exterminating the brown-tail moth. (Chap. 544, p. 530, approved June 20, 1898.)

Section 1 empowers the State board of agriculture to have charge of the work of extermination of the brown-tail moth.

Section 2 declares that any person who purposely obstructs the work of the said board or persons in its employ while engaged in the execution of the purposes of this act shall be punished by a fine not exceeding \$25 for each offense.

Section 3 declares that it shall be unlawful for any person knowingly to bring the insect known as the brown-tail moth, or its nests or eggs, into this Commonwealth, or to transport said insect or its nests or eggs from one town or city to another within this Commonwealth, except while engaged in and for the purposes of destroying them.

Violation of these provisions shall be punished by fine not exceeding \$200, or imprisonment not exceeding sixty days, or both fine and imprisonment.

NOTE.—Formerly the initiatory steps were to be taken by the city or town infested. The penalty for violation was \$10 for every day's neglect to act. Section 3 is new.

Election laws.—An act to revise and codify the laws relative to elections. (Chap. 548, p. 541, approved June 21, 1898.)

The thirteen titles or divisions of this act dealing with the revision of election laws include the penalties imposed upon officers (sections 362 to 376, inclusive), upon voters (sections 377 to 382, inclusive), and general penalties (sections 383 to 416, inclusive).

Former statutes involving penalties, which in some cases are more, in others less, severe than herein stated, are repealed, and the act shown to be revisional embodies much new legislation.

Registering land titles.—An act to provide for registering and confirming titles to land. (Chap. 562, p. 682, approved June 23, 1898.)

Sections of this act dealing with the registration, conveyance in fees, mortgages, and

other land claims involve penalties as follows: Section 111, for larceny exceeding in value \$100, imprisonment in State prison not exceeding five years, or fine of \$600 and imprisonment in jail two years. If larceny less in value than \$100, imprisonment in State prison not more than one year, or fine not more than \$300; certificates of title and duplicate certificates issued under this act being declared subjects of larceny.

Section 112, for swearing falsely to any statement required, which crime is deemed perjury, and liable to the statutory penalty for perjury, which is imprisonment in State prison for life, or any term of years or not exceeding twenty years.

Section 113, for illegal acts concerning certificate and duplicate certificate of title, certificate issued in place of a duplicate certificate, the registration book, entry book, and all indexes provided for by this act, and the docket of the recorder, when done in reference to the records or instruments hereinbefore mentioned: Penalty, imprisonment in State prison not exceeding ten years, or in jail not exceeding two years.

Section 114, for forging seal of the court of registration, imprisonment in the State prison not exceeding ten years, or in the jail not exceeding two years.

Section 115, for conveying certain registered land with intent to defraud, imprisonment in the State prison not exceeding three years, or in the jail not exceeding one year.

Small loans.—An act relative to small loans and the redemption of the security therefor. (Chap. 577, p. 733, approved June 23, 1898.)

Section 1 prohibits engaging in the business of making small loans at a rate of interest greater than 12 per cent without first having obtained a license so to do, such license to be granted only upon sworn statement of applicant and not until applicant has filed a power of attorney with the board of police authorized to grant license and given bond in fixed sum for the faithful performance of the duties and obligations pertaining to the business so licensed.

Section 5 declares that the board of officers granting licenses in any city or town, as provided in this act, shall from time to time establish such rules and regulations with reference to the business carried on by the parties so licensed and the rate of interest to be charged by them as shall seem to said board to be necessary and proper. Provision is made for recovering unlawful amount of interest collected.

Sections 7 and 8 regulate the mortgaging or pledging of personal property, and section 9 provides for receipt to be given for a payment on account of any loan to which the provisions of this act apply.

Section 10 declares that any person or persons doing business of making loans without license shall be punished by a fine not exceeding \$300 or imprisonment not exceeding sixty days, or by both fine and imprisonment.

Bicycles (Chap. 121, p. 79, approved March 3, 1898).—Amends chapter 479, acts of 1894.

Bicycles or tricycles limited to a speed of 10 miles an hour, and must be provided with a suitable alarm bell.

Penalty, fine not exceeding \$20 for each offense and liable for all damages.

Motormen in Boston (Chap. 343, p. 333, approved May 6, 1897).—Board of police commissioners to license motormen and drivers of the street cars.

SEC. 3. Any person acting in the capacity of driver or motorman without license shall pay a sum not exceeding \$20 for each offense.

NOTE.—Conductors were previously required to be licensed and are included in the same section.

WATER SUPPLY.

Falmouth.—An act to incorporate the Falmouth Water Company. (Chap. 66, p. 39, approved February 18, 1898.)

By sections of this act, the corporation to be known as the Falmouth Water Company is created for the purpose of supplying the inhabitants of the town of Falmouth with water for the extinguishment of fires and for domestic, manufacturing, and all other purposes, and is authorized to take by purchase or otherwise certain lands and water rights within said town of Falmouth for the purpose mentioned.

Provision is made for the construction, maintenance, and operation of said water-works and for the payment of expenditures and liabilities incurred thereby.

Section 11 declares that whoever willfully or wantonly corrupts, pollutes, or diverts any of the waters taken or held under this act, or injures any structure, work, or other property owned, held, or used by said corporation shall forfeit three times the amount of the damages assessed therefor and, upon conviction of either of the

above willful and wanton acts, shall be punished by a fine not exceeding \$300 or imprisonment not exceeding one year.

NOTE. Penalty for corrupting sources of water supply (see sec. 7, chap. 208, of the Public Statutes of 1882), fine not exceeding \$1,000 or imprisonment not exceeding one year.

Housatonic Company.—Incorporates the Housatonic Water Work Company. (Chap. 229, p. 184, approved April 2, 1897.)

SEC. 5. Penalty for corrupting or diverting the water or injuring property, fine not exceeding \$300, imprisonment not exceeding one year.

A similar law and penalty in relation to the Edgartown Water Company. (Chap. 282, p. 259, approved April 15, 1897.)

Swampscott.—An act relative to the purchase and sale of the property of the Marblehead Water Company. (Chap. 293, p. 219, approved April 6, 1898.)

Sections of this act authorize the Marblehead Water Company to sell its water rights and privileges to any person or municipal or other corporation, and also authorize the town of Swampscott to purchase upon certain terms and agreements the water rights and privileges of the Marblehead Water Company.

Similar provisions for the construction, maintenance, and operation of said waterworks and for the payment of expenditures and liabilities thereby incurred are enacted for the town of Swampscott as for other towns in previous acts of 1897 and 1898.

The penalty for corrupting, polluting, or diverting the waters held by said town of Swampscott is, as in other cases, fine not exceeding \$300 or imprisonment not exceeding one year.

Winthrop.—An act to provide for a water supply for the town of Winthrop. (Chap. 295, p. 224, approved April 6, 1898.)

Sections of this act authorize the town of Winthrop to supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from the Metropolitan water board.

Similar provisions for the construction, maintenance, and operation of said waterworks and for the payment of expenditures and liabilities thereby incurred are enacted for the town of Winthrop as for other towns in previous acts of 1897 and 1898.

The penalty for corrupting, polluting, or diverting the waters held by said town of Winthrop is, as in other cases, fine not exceeding \$300 or imprisonment not exceeding one year.

Huntington.—An act to provide for a water supply for the fire district and inhabitants of the town of Huntington. (Chap. 344, p. 285, approved April 15, 1898.)

Sections of this act make similar provisions for the construction, maintenance, and operation of waterworks to supply the fire district and inhabitants of the town of Huntington with water and for the payment of expenditures and liabilities incurred as enacted for other towns in previous acts of 1897 and 1898.

The penalty for corrupting, polluting, or diverting the waters held by said town of Huntington is, as in other cases, fine not exceeding \$300 or imprisonment in jail not exceeding one year, or both fine and imprisonment.

Northfield.—An act to incorporate the Northfield Water Company. (Chap. 385, p. 323, approved April 29, 1898.)

Sections of this act incorporate the Northfield Water Company for the purpose of supplying the inhabitants of Northfield with water for the extinguishment of fires and for domestic and all other purposes and authorize said corporation to take and acquire, by purchase or otherwise, certain waters and lands within the town of Northfield for the purposes aforesaid.

Similar provisions for the construction, maintenance, and operation of said waterworks and for the payment of expenditures and liabilities thereby incurred are enacted for the town of Northfield as for other towns in previous acts of 1897 and 1898.

The penalty for corrupting, polluting, or diverting the waters held by said town of Northfield is, as in other cases, fine not exceeding \$300 or imprisonment not exceeding one year.

MICHIGAN.

1897.

Felony.—The term “felony,” when used in this title or in any other statute, shall be construed to mean an offense for which the offender, on conviction, shall be liable by law to be punished by death or by imprisonment in the State prison. (Compiled Laws, 11791.)

Misdemeanor.—There are over 350 offenses or misdemeanors for which punishments are provided, and furthermore section 11331 reads:

“Every person who shall be convicted of a misdemeanor the punishment of which is not otherwise prescribed by any statute shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$250, or by both such fine and imprisonment.

Spraying infected trees.—An act to amend an act, No. 108, session laws of 1895, entitled “An act to prevent the spreading of bush, vine, and fruit-tree pests, such as cankerworm and other insects, and fungous and contagious diseases, and to provide for their extirpation.” (No. 2, p. 5, approved January 27, 1897.)

Sections of this act as amended provide for the spraying with disinfectants of fruit trees or vines grown on lands which may be infested with any injurious insect or worms or infected with any contagious disease.

A board of commissioners is created, whose duty shall be to examine orchards or vineyards supposed to be infested after notifying owner of the same.

Section 5 declares that whenever any person shall refuse or neglect to comply with the order to spray or disinfect orchards or vineyards designated by the commissioners, or in case of San Jose or other scale to effectually spray or destroy such infected trees, the commissioners shall have the right and power to cause said trees or vines to be treated as herein stated.

Any owner, township officer, or commissioner refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor. Penalty, fine not exceeding \$50, or imprisonment not exceeding sixty days, or both.

NOTE.—New feature, provision made with regard to San Jose insect.

Compensation of supervisors.—An act to amend section 364, chapter 10, of the compiled laws of 1857, and the several acts amendatory thereof, relative to board of supervisors, the same being section 502 of Howell’s Annotated Statutes of the State of Michigan. (No. 18, p. 19, approved March 10, 1897.)

As amended the section named fixes the compensation of the members of boards of supervisors, and declares that any supervisor receiving further or other compensation for services rendered as herein stated shall be guilty of a misdemeanor. Penalty, fine from \$100 to \$500.

Prosecuting attorneys.—An act making it unlawful for prosecuting attorneys to defend or assist in the defense of any person charged with crime within their respective counties. (No. 23, p. 23, approved March 10, 1897.)

Section 1 prohibits prosecuting attorneys in the State of Michigan from defending persons charged with crime within the county where they are prosecuting attorneys.

Section 2 declares that in case of transfer to another county the prosecuting attorney of the county to which said cause is transferred shall be prohibited from defending or assisting in the defense of the cause so transferred.

Owners of bottles and siphons.—An act to protect the owners of bottles, boxes, siphons, fountains, and kegs, used in the sale of milk, cream, soda water, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer, or other beverages. (No. 36, p. 37, approved March 25, 1897.)

Sections of this act provide for filing in the office of the clerk of the county and registering in the office of the secretary of state the name, brand, mark, or other device used in the manufacture and sale of beverages named in act, and declare it to be unlawful for others to use registered bottle or packages, to remove or conceal any name, mark, or device thereon, or to sell, buy, or traffic in them without the written consent of owner. Violation of the provisions is declared a misdemeanor. Penalty, for first offense, imprisonment from ten to ninety days or fine of 50 cents for each and every bottle, box, siphon, etc., illegally filled, sold, or used, or both fine and imprisonment; for each subsequent offense imprisonment from twenty days to one year, or fine from \$1 to \$5 for each and every bottle, etc., used illegally.

Deformed children.—An act to provide for the treatment of the children of indigent poor people that are afflicted with any curable malady or deformity at birth, and to provide for the expenses thereof. (No. 42, p. 45, approved March 26, 1897.)

Sections of this act declare that it shall be the duty of any physician in attendance at the birth of any child of any indigent poor person in the State of Michigan to report deformity of children at birth to the mayor of the city or village, or the president of any village, or to the supervisor of any township wherein said child was born, and that the supervisor, mayor, or president, upon receipt of such notice from such physician, shall provide transportation for such child and attendant to the University of Michigan; said university to supply quarters and suitable physician, and to render such treatment as is deemed necessary without special compensation for services.

Provision is made for the hospital steward to keep account of actual expenses, and file affidavit of amount, the amount to be certified to the auditor-general of the State of Michigan and credited to the University of Michigan.

Section 8 declares that if any person or persons shall neglect or refuse to comply with the provisions of this act he shall be deemed guilty of a misdemeanor. Penalty, fine from \$10 to \$500, or imprisonment from ten days to ninety days, or both.

Voting machines.—An act to authorize the use of any thoroughly tested and reliable voting machine at any election held in this State. (No. 61, p. 71, approved April 1, 1897.)

Sections of this act declare that the board of supervisors of any county may authorize the use of any thoroughly tested and reliable voting machine at any township election, and that all voting shall be done in voting booths or compartments of suitable dimensions to inclose one voter with a voting machine in such a manner as to insure a secret vote, provision being made for assisting disabled voters.

Further provision is made for testing machines and seeing that the names of nominees are suitably placed and arranged in connection with the voting machines; also for instructions to voters to be placed in voting booth, and for ballot box to be provided.

Section 8 declares that any person who shall knowingly and willingly damage or obstruct the use of voting machines on election day, or violate any of the provisions of this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$300 or imprisonment not less than six months, or both.

NOTE.—Former penalty concerned Rhines vote recorder; damage or obstruction declared a felony punishable by fine from \$100 to \$500 or imprisonment not less than one year, or both.

Census of school children.—An act to amend section 22 of chapter 3 of act No. 164 of the public acts of 1881, entitled an act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act, being section 5074 of Howell's Annotated Statutes relative to the school census, and to add a new section to said chapter, to stand as section 22a. (No. 66, p. 76, approved April 9, 1897.)

As amended the section named in act provides for taking the census of school children, and declares that the person taking census shall make affidavit as to correctness of list.

Any person giving false information as to the names or ages of school children or as to the names or residence of the parents or guardians of any school children, or any enumerator who shall perform his duties carelessly or negligently, shall be guilty of a misdemeanor: Penalty, fine not more than \$5 or imprisonment not more than five days.

NOTE.—New feature: Penalty for false information.

United States flags on schools.—An act to amend section 1 of act No. 56 of the session laws of 1895, entitled "An act to provide for the purchase and display of United States flags in connection with the public school buildings within this State," approved April 4, 1895. (No. 68, p. 78, approved April 9, 1897.)

As amended the section named in act provides for the purchase of a United States flag of certain dimensions, also flagstaff and necessary appliance for the display of said flag upon or near public school buildings during school hours, and at such other times as the board of education may deem proper. The penalties for neglect of duty provided in section 2, chapter 13, of the general school laws shall apply to any school officer refusing to comply with the provisions of this act.

NOTE.—New feature; penalty attached for refusal to comply with provisions, which is fine of \$10.

Adulteration of vinegar.—An act in relation to the manufacture and sale of vinegar, and to repeal act No. 224 of the public acts of 1889, approved July 1, 1889. (No. 71, p. 80, approved April 16, 1897.)

Section 1 declares that the sale of vinegar in the State of Michigan shall be subject to provisions of this act, and that no vinegar shall be sold except it be made from pure apple juice, when sold as pure.

Section 2 defines fermented vinegar and distilled vinegar, and provides for branding of same. The product of material of vinegar not distilled is regulated.

Section 3 declares that no person shall manufacture or sell any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health, and that all packages containing vinegar shall be marked or branded on the head of the cask or barrel containing such vinegar with the name and residence of the manufacturer, together with the brand required in section 2 of this act.

Violation of any of the provisions of this act subjects to fine from \$50 to \$100, or imprisonment not to exceed ninety days and costs, or both fine and imprisonment.

NOTE.—Based on former legislation; former penalty did not include "or both fine and imprisonment."

Imitation butter.—An act to prevent deception in the manufacture and sale of imitation butter. (No. 76, p. 83, approved April 15, 1897.)

Section 1 prohibits the sale of imitation butter, provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Violation, a misdemeanor: Penalty, fine from \$50 to \$500 and costs, or imprisonment from six months to three years, or both.

NOTE.—New feature: Proviso with regard to oleomargarine. Former penalty, fine the same, imprisonment from ninety days to two years, or both.

Osteopathy.—An act regulating and licensing the practice of osteopathy in the State of Michigan. (No. 78, p. 85, approved April 21, 1897.)

Section 1 declares who shall be entitled to practice osteopathy, and provides for filing diploma with the clerk of county.

Practicing or pretending or attempting to practice the system, method, or science of osteopathy within this State without having complied with the provisions of this act is declared a misdemeanor. Penalty, fine from \$50 to \$100 for each offense.

Adulteration of buckwheat.—An act to prohibit and prevent adulteration, fraud, and deception in the manufacture and sale of buckwheat flour. (No. 84, p. 91, approved April 22, 1897.)

Section 1 prohibits manufacture for sale or offer for sale of adulterated buckwheat flour.

Section 2 defines adulterated buckwheat flour.

Section 3 provides for branding by manufacturer any buckwheat substitute or compound.

Section 4 declares that dealers or traders must sell from branded packages.

Section 7 declares false branding of buckwheat flour a misdemeanor. Penalty, fine from \$25 to \$100 and costs, or imprisonment from thirty days to ninety days, or both.

Section 8 declares that violation of the provisions of this act is a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment from thirty days to ninety days, or both.

Defacement of signs, etc.—An act to prevent the destruction of signs, bills, and notices of any lawful nature whatever, posted on any private lands in any county of this State, if placed by the owner, lessee, or by their knowledge and consent, and to provide a penalty for violation thereof. (No. 89, p. 97, approved April 22, 1897.)

Sections of this act prohibit the willful destruction or defacement of bills or notices posted on private lands in the State of Michigan.

Violation subjects to fine from \$1 to \$50, or imprisonment not to exceed thirty days, or both.

Roads.—An act to require all toll roads to construct, reconstruct, repair, and maintain their roads in good repair, and of the same material and in the same manner as required by their charters, and to provide for township toll-road commissioners to enforce the same and to define their powers and duties. (No. 91, p. 98, approved April 22, 1897.)

Sections of this act provide for the establishment of a toll-road commissioner, who shall require all toll-road companies in townships in the State of Michigan to construct, reconstruct, repair, and maintain their roads in good repair, and of the

same material and in the same manner as required by their charters, within six months after the passage of this act.

Failure or neglect to comply by toll-road companies shall be considered as abandonment of their road, and no person traveling over such toll road shall be required to pay toll thereafter.

Provision is also made for the examination of toll roads by the commissioner, who shall notify company of defects, requiring them to repair and put roads into such condition as herein required within sixty days. In default, the commissioner shall make a certificate of such fact and file the same with township clerk, and such toll road shall be considered abandoned. No person shall be required to pay toll for traveling thereon after such abandonment.

After notification said company shall have no right thereafter to obstruct said road or to prevent persons from passing over the same, and it shall be the duty of said toll-road commissioner to prevent such obstructions, or to remove them if placed in said roads.

Section 4 declares that any township highway commissioner coming under the provisions of this act who shall refuse, fail, or neglect to perform his duties as herein provided shall be guilty of a misdemeanor. Penalty, fine not to exceed \$100, or imprisonment not to exceed ninety days, or both.

Protection of boys.—An act to prevent male and female persons over 15 years of age from debauching the persons and depraving the morals of boys under 15 years of age. (No. 95, p. 103, approved April 28, 1897.)

Sections of this act prohibit male and female persons over 15 years of age from debauching the persons and depraving the morals of boys under 15 years of age.

Violation is declared a felony: Penalty, imprisonment in State prison for not more than five years.

Truancy.—An act to amend section 2 of act No. 222 of the Public Acts of 1887, being compiler's sections No. 9315d of Howell's Annotated Statutes, entitled "An act to prevent crime and to punish truancy." (No. 96, p. 104, approved April 28, 1897.)

As amended the section named in act declares that upon complaint of parent or guardian of any girl between the ages of 10 and 17 years or any boy between the ages of 10 and 16 years, or by the supervisor of any township, or the mayor of any city, or president of any village, and in cities of over 8,000 population by the chief of police, truant officer, or any member of the city police, that any such minor has been guilty of truancy, warrant may be issued for the arrest of said boy or girl, and, after trial, upon conviction a boy may be sentenced to the industrial school for boys at Lansing and a girl to the State Industrial Home for Girls at Adrian, boys until 17 years of age and girls until 21 years of age.

NOTE.—New feature: Commitment of boy to industrial school for boys at Lansing.

Truancy.—An act to amend sections 1 and 2 of an act, No. 222 of the Public Acts of 1887, as amended by section 1 of act No. 183 of the Public Acts of 1895, entitled "An act to prevent crime and to punish truancy," being compiler's sections 9315c and 9315d of chapter 322 of Howell's Annotated Statutes of Michigan. (No. 265, p. 397, approved June 2, 1897.)

As amended the sections named in act define the term "truant" as applied to boys between 10 and 16 years of age and girls between 10 and 17 years of age, and declare that upon complaint of the parent or guardian or other person, or by the supervisors of any township, or mayor of any city, or president of any village, and in any city of over 8,000 population by the chief of police, mayor, or other person, that such minor has been guilty of any of the acts causing him to be deemed a truant, such minor, if a boy, may be arrested and sentenced to the Industrial School for Boys at Lansing until 18 years of age, and if a girl, to the Industrial Home for Girls at Adrian until 21 years of age.

NOTE.—New feature: Boys sentenced until 18 years of age; former limit, 17 years.

Marking of high explosives.—An act for regulating the marking of high explosives. (No. 101, p. 110, approved April 28, 1897.)

Section 1 prohibits the manufacture or sale of any high explosives in the State of Michigan not marked, branded, or stamped as provided for in sections of this act.

Section 2 declares that every manufacturer of dynamite or other high explosive shall put a brand or mark on each case distinctly showing the percentage of disruptive force contained in each cartridge in said case, and the name or trade-mark and the address of said manufacturer.

Section 4 declares that any person who shall falsely brand, mark, or stamp any such explosive, or who shall sell any high explosives bearing any false brand or mark, or who shall in any way violate any of the provisions of this act, shall be guilty

of a misdemeanor: Penalty, fine from \$25 to \$50, with costs, or by imprisonment from sixty to ninety days, or both.

Obstructing street railways.—An act to amend an act entitled "An act to provide for the formation of street-railway companies," approved March 5, 1867, by adding three new sections thereto, to be known as sections 34, 35, and 36. (No. 102, p. 110, approved April 28, 1897.)

The new sections of amended act declare that corporations organized under this act may do a suburban express business and may carry farm produce, garden truck, milk, merchandise, and other light freight; provided that no cars for the conduct of any such business shall be operated on any street railway within the limits of any incorporated city or village in the daytime, between 8 o'clock in the morning and 8 o'clock in the evening, without the consent of the municipal authorities, and under such rules and regulations as they may prescribe.

Furthermore, that all street-railway corporations organized or doing business under this act shall be subject to the supervisory control of the commissioner of railroads.

And furthermore, that every person who in any way obstructs any street railway, or displaces any rail of the track of such railway, or breaks down or injures any bridge or embankment of any such street railway with intent to endanger the safety of any persons traveling upon such street railway shall be punished by imprisonment in the State prison for life or for a term of years.

Plank-road companies.—An act to amend sections 27 and 40 of act No. 155 of the Public Acts of 1851, entitled "An act to provide for the formation of companies to construct plank roads," and to add a new section thereto, providing a penalty for non-compliance with the law. (No. 108, p. 118, approved May 7, 1897.)

The amended sections as named in act provide for the use of public highways by any plank or gravel road company for the purpose of constructing and maintaining a plank or gravel road or roads thereon, if so voted for by a majority of qualified voters, the amount and time of payment of tax by companies being fixed and regulated.

The new section added declares that each and every plank or gravel road company neglecting or refusing to make the report required or to pay the tax required within the defined limit of time shall forfeit right of its franchise; also that any and every member, officer, or toll gatherer of such plank or gravel road company who shall collect toll from or detain any person traveling on such highway, said company having failed to make a report or to pay the taxes as required, shall be guilty of a misdemeanor. Penalty, fine from \$50 to \$100 and costs or, in default, imprisonment not exceeding sixty days.

Embezzlement and larceny.—An act to amend section 55 of chapter 154 of the Revised Statutes of 1846, entitled "Offenses against property," as added by act No. 110 of the Public Acts of 1885, being section 9176a of Howell's Annotated Statutes. (No. 114, p. 124, approved May 7, 1897.)

As amended the section named in act declares when the crime of embezzlement shall be deemed larceny, and declares that in a prosecution for such crime it shall be no defense that officer, agent, clerk, servant, employee, lessee, attorney at law, or other person was entitled to a compensation out of money or property for collecting or receiving the same for and on the part of the owner thereof.

Adulteration of food.—An act to amend sections 1, 3, 6, and 15 of act 193 of the Session Laws of 1895, approved May 22, 1895, entitled an act to prohibit and prevent adulteration, fraud, and deception in the manufacture and sale of articles of food and drink. (No. 118, p. 128, approved May 7, 1897.)

Section 1, as amended, prohibits the sale or manufacture for sale in the State of Michigan of any article of food which is adulterated.

Section 3, as amended, defines the term "adulterated" as applied to articles of food, and provides that nothing in this act shall prevent the coloring of pure butter; or that this act shall not apply to articles labeled "mixture" or "compound."

Section 6, as amended, deals with the branding of cheese, and provides for the registration with the dairy and food commissioner of every cheese factory, creamery, or butter factory in the State where milk or cream is purchased or contributed by three or more persons. Violation of provisions of this section is declared a misdemeanor: Penalty, fine from \$5 to \$25 and costs, or imprisonment not more than thirty days, or both.

Section 15, as amended, declares that no person shall manufacture or sell artificial coffee berry in imitation of the genuine berry; nor sell any ground or prepared coffee which is adulterated with chicory or other substance not injurious to health, unless each package be distinctly marked "coffee compound," together with the

name and address of the manufacturer. Furthermore, that no person shall sell molasses, sirup, or glucose unless the barrel or can containing the same shall be distinctly branded with the true and appropriate name; nor shall any person sell molasses or sirup mixed with glucose unless barrel or can containing the same be distinctly marked "glucose mixture," and the per cent in which glucose enters into its composition.

County canvassers.—An act to amend act No. 149 of the Public Acts of 1895, entitled an act to provide for the election of a board of county canvassers, to prescribe the term of office and powers and duties thereof, and repeal all acts and parts of acts contravening the provisions of this act. (No. 125, p. 143, approved May 13, 1897.)

By sections of this act a board of county canvassers is created, and their powers and duties relative to canvassing the return of votes cast at elections determined.

Section 8 declares that in case the clerk of the board of county canvassers shall neglect or refuse to perform, in the manner herein prescribed, any of the duties hereinbefore set forth, he shall be deemed guilty of a misdemeanor: Penalty, fine \$50 to \$200, or imprisonment from thirty days to ninety days.

Section 9 declares that willful neglect or refusal by any member of said board of county canvassers to perform the duties herein enjoined upon him or for making any fraudulent return or violating any of the provisions of this act shall be deemed guilty of a felony: Penalty, fine not to exceed \$1,000, or imprisonment not to exceed five years, or both.

A candidate voted for at any election, conceiving himself aggrieved, may petition for correction upon depositing fixed sum with the clerk of said board of county canvassers, and said board shall investigate his petition.

NOTE.—New features: First, drawing lots when two persons have equal number of votes; second, concerning candidates who are aggrieved.

Abandoned salt wells.—An act to regulate the mode of plugging abandoned salt wells and providing a penalty for the violation thereof. (No. 132, p. 153, approved May 13, 1897.)

Section 1 provides for the plugging of abandoned salt wells in Saginaw and Bay counties, and regulates the manner in which such plugging shall be done under supervision of the State salt inspector.

Violation of the provisions of this act subjects to fine of \$200.

Infectious diseases of trees.—An act to prevent the introduction or spread of San Jose scale or other injurious insects or infectious diseases of trees, vines, shrubs, or plants grown in this State or imported from other States, provinces, or countries. (No. 137, p. 158, approved May 13, 1897.)

Section 1 provides for the appointment of an inspector of nurseries and orchards by the State board of agriculture, and defines his duties.

Sections 2 and 3 provide for the destruction of injurious insects and infectious diseases by owner of nurseries and orchards, and in case of his refusal to comply with order so to do, the State inspector is authorized to act, and the owner is made liable for the costs of proceeding.

Section 4 provides for labeling shipments of trees, shrubs, plants, or vines, which shall show that they have been properly inspected and are free from injurious insects and diseases; and whenever such shipments are brought into the State of Michigan without such certificate of inspection, the fact must be reported to the State board of agriculture. Violation of these provisions by agent of any railway, steamboat, or express company, or any other person is declared a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment from five days to thirty days, or both.

Section 5 provides for the inspection of nurseries upon application of owner, and for procuring a license to sell stock. List of purchasers to be filed upon demand with State board of agriculture. Failure to comply with these provisions subjects nurseryman, grower, agent, or dealer to fine from \$25 to \$100, or imprisonment from thirty days to ninety days, or both.

Other sections of this act deal with licensing foreign corporations desiring to import or sell nursery stock within the State of Michigan; also with investigation by inspector in case of dispute as to condition of stock.

Fraudulently using water, electric, or gas service.—An act to provide for the punishment of persons fraudulently connecting, using, or obtaining water, electric, or gas service or supply. (No. 147, p. 180, approved May 19, 1897.)

Section 1 declares that any person fraudulently using water, electric, or gas service, or in any way so injuring or interfering with appliances of such service as to affect a just registration of supply, shall be considered guilty of a misdemeanor: Penalty, fine not exceeding \$100 and costs, or imprisonment not exceeding three months, or both.

Females as bartenders.—An act to prohibit the employment of females as bar-keepers or to serve liquors, or for dancing, or to furnish music in any saloon or barroom where spirituous or intoxicating liquors or malt brewed or fermented liquors are sold or kept for sale. (No. 170, p. 215, approved May 29, 1897.)

Section 1 declares that no person shall employ any girl or woman as barkeeper, or to serve liquors, or to furnish music, or for dancing in any saloon or barroom where intoxicating liquors or fermented liquors are sold.

Section 3 declares that no keeper or proprietor of a saloon where intoxicating or fermented liquors are sold shall permit any girl or woman to tend bar, serve liquors, dance, or furnish music for hire in his saloon or barroom; wife or other females who are members of the family of a proprietor of a saloon are exempted from these provisions.

Violation, a misdemeanor: Penalty, fine not to exceed \$50 and costs, or imprisonment not to exceed thirty days, or both.

Train wrecking.—An act to provide a punishment for wrecking or attempted wrecking of railroad trains within this State, and for robbery or attempted robbery on said trains. (No. 171, p. 216, approved May 29, 1897.)

Section 1 declares that attempted wrecking of railroad trains is a felony, and shall be punished by imprisonment in the State prison at hard labor for life, or for any term of years not less than five.

Section 2 declares that forcible detention of railroad trains for purpose of robbery is a felony, and shall be punished as before mentioned.

Section 3 declares that entering trains or cars for the purpose of robbery is a felony, and shall be punished as mentioned.

Unauthorized removal of road tools.—An act to authorize commissioners of highways in townships to purchase tools and machinery for making roads in certain cases, and prescribe the manner of payment therefor and the use and care of such machines. (No. 173, p. 218, approved May 29, 1897.)

Section 1 authorizes the purchase of tools and machinery for making roads by the commissioner of highways, declaring that implements shall be paid for from the highway fund and that the commissioner of highways shall have the custody of such implements.

Sections 2 and 3 declare that highways districts may purchase road machines, to be paid for from the highway tax of the district, and that overseers of highways shall be personally responsible for the care of tools.

Section 4 declares that it shall be the duty of the commissioner of highways of each township to provide a suitable place for the storage and proper housing of all tools, implements, and machinery that are owned by the township, and to cause such tools and implements to be stored and housed therein at all times when not in use.

Unauthorized removal of tools from any such place of storage is declared a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding ninety days, or both.

Licensing insurance companies.—An act to provide for the licensing of insurance companies to insure against loss or damage resulting from burglary and robbery, or attempt thereat, also the loss of money or securities in transit by registered mail, limiting the scope of their business and defining their powers, duties, and qualifications. (No. 174, p. 220, approved May 29, 1897.)

Sections of this act provide for the licensing of burglary insurance companies in the State of Michigan and regulate the business of such companies. Said companies are required to appoint an attorney within the State on whom process of law can be served, and to file in the office of insurance commissioner a written instrument certifying such appointment.

Violation of the provisions of this act subjects to fine from \$100 to \$500.

Marriage license in certain cases.—An act to provide for the protection of the reputation and good name of certain persons. (No. 180, p. 230, approved May 29, 1897.)

By this act the probate judge of each county of the State of Michigan is authorized to issue without publicity a marriage license in certain cases and under conditions herein stated, namely, to any female making application to him, who makes and files with him a sworn statement that she is with child, which if born alive before her marriage will become a bastard, or that she has lived with a man and has been considered as his wife, or for other good reasons expressed in such sworn statement, and deemed to be sufficient by the judge of probate, desires to keep the exact date of the marriage a secret, to protect the good name of herself and the reputation of her family.

Application for such marriage license must be indorsed by a physician; and the judge is further authorized to perform the marriage ceremony. Within ten days after the marriage the judge of probate shall forward a duplicate of said license to the secretary of state, who shall record and file the same.

All knowledge of any facts which shall come to the judge of probate, secretary of state, or their deputies or assistants, the physicians indorsing the application, or the witnesses to said marriage under the license issued pursuant to the provisions of this act shall be deemed to be privileged communications.

Violation of confidence by any of the persons before named is declared a misdemeanor: Penalty, fine from \$25 to \$100 and costs, and in default of payment imprisonment not to exceed three months.

Any editor, publisher, or proprietor of any newspaper or publication within this State giving publicity to any license or marriage held under the provision of this act shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$100 and costs, and in default of payment imprisonment not to exceed thirty days.

Judge of probate performing the marriage ceremony under a license issued under this act neglecting to make proper return shall be fined, in addition to the penalties prescribed in the general laws of this State, not to exceed \$50.

Malicious threats.—An act to amend section 19 of chapter 153 of the Revised Statutes of 1846 relative to offenses against property, being compiler's section 9093, Howelle's Annotated Statutes. (No. 188, p. 244, approved May 29, 1897.)

As amended the section named in act prohibits malicious threats, either written or oral, with intent to extort money, or with intent to compel the person so threatened to do or refrain from doing any act against his will. Penalty, imprisonment in the State prison or county jail not more than two years or fine not exceeding \$1,000.

NOTE.—Few feature: "Oral" threat; formerly either written or "verbal."

Forest fires.—An act to amend chapter 45 of the Revised Statutes of the State of Michigan of 1846, entitled "Firing of woods and prairies," the same being chapter 328 of Howell's Annotated Statutes, by adding three new sections thereto, the same to stand as sections 4, 5, and 6 of said chapter. (No. 189, p. 245, approved May 29, 1897.)

The new sections authorize township boards of the State of Michigan to prohibit the setting of forest fires or fires for the purpose of clearing lands and disposing of refuse material, and each of such boards may make such rules and regulations as they may deem proper for the purpose of carrying this act into effect, notices thereof to be published with a copy of this act in five of the most public places of such township.

They furthermore declare that before setting fire for any of the above-mentioned purposes notice shall be served in writing to resident owners of lands or grounds adjoining the tract upon which such fires are to be set.

Persons found guilty of violating the order of said board relative to setting fires shall be punished as prescribed in section 1 of this chapter.

Permission to burn refuse may be obtained from said township board.

School text-books.—An act to create a board of commissioners for the purpose of securing for use in certain of the common or primary schools in the State of Michigan a uniform series of text-books, to fix the maximum price to be charged for such books, and to make an appropriation for carrying out the provisions of this act. (No. 198, p. 252, approved May 29, 1897.)

By section 1 of this act a board of commissioners is created to select text-books for use in the common or primary schools of the State of Michigan, provision being made that said text-books shall not contain anything of a partisan or sectarian character.

Section 2 requires said board of commissioners to advertise for proposals from publishers, from authors whose books may be still in manuscript, and from compilers of books, and to examine and investigate such proposals, to be by them rejected or accepted; but if accepted to conform with price as herein regulated. Terms are fixed for supplying dealers and school districts with books.

Section 6 declares that any merchant or dealer who shall charge, receive, or collect for any schoolbooks by him sold to any school patron or pupil any sum in excess of the price at which such books are required to be sold by law, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500 and imprisonment for thirty days to six months.

Section 10 declares that as soon as said board of commissioners shall have entered into a contract for furnishing books for use in the public schools of this State, pursuant to the provisions of this act, it shall be the duty of the governor to issue his proclamation announcing such fact to the people of this State.

Ex-soldiers preferred.—An act to prefer ex-soldiers for public employments. (No. 205, p. 261, approved May 29, 1897.)

Section 1 declares that in every public department and upon the public works of the State of Michigan honorably discharged Union soldiers and sailors of the late rebellion shall be preferred for appointment and employment; provided that the applicant shall have been a resident of the State for at least five years and of the county in which the office or position is located for at least two years and possesses other requisite qualifications.

Section 2 declares that no veteran so holding office or employment shall be removed or suspended without a hearing before the mayor of the city or the common council of the town where he is employed. Removal, suspension, or transfer of any veteran shall be made only upon a written order of the mayor or common council.

Violation of the provisions of this act, a misdemeanor: Penalty, fine from \$50 to \$100.

Cruelty to children.—An act to amend act No. 156 of the Public Acts of 1893, entitled "An act to provide a penalty for cruelty to children," and to repeal all existing acts and parts of acts conflicting with the provisions of this act. (No. 213, p. 269, approved May 29, 1897.)

Section 1 declares that any parent, or guardian, or person under whose protection any child may be who tortures or cruelly punishes such child, deprives him of necessary food, clothing, or shelter, or abandons him, or endangers his life by exposure, want, or other injury to his person, or permits him to engage in any occupation endangering health or likely to deprave his morals, or who permits him to beg or receive alms in public places, or to frequent the company of thieves or prostitutes, shall, upon conviction, be deemed guilty of a felony: Penalty, imprisonment at hard labor for not more than five years nor less than three months.

NOTE.—Former penalty, fine from \$5 to \$50 or imprisonment from ten to ninety days, or both.
New feature: The provision as to giving bond for proper care of child not included in the above abstract.

Indecent language in presence of women.—An act to prohibit using indecent, immoral, obscene, or insulting language in the presence of any woman or child within this State and to provide a penalty therefor. (No. 219, p. 277, approved May 29, 1897.)

Section 1 prohibits the use of any indecent, immoral, vulgar, or insulting language in the presence or hearing of any woman or child within the limits of any township, village, or city in the State of Michigan.

Violation subjects to penalty of fine not more than \$100 or imprisonment not to exceed ninety days, and in default of payment of fine a further sentence of imprisonment for a period not to exceed ninety days unless fine shall be sooner paid

Receiving stolen goods.—An act to amend section 20 of chapter 181 of the Compiled Laws of 1857, and the several acts amendatory thereto, relative to receiving stolen goods, the same being section 9142 of Howell's Annotated Statutes of the State of Michigan. (No. 220, p. 278, approved May 29, 1897.)

As amended the section declares that every person who shall buy, receive, or aid in the concealment of any stolen money, goods, or property, knowing the same to have been stolen, if the property purchased, received, or concealed exceed the value of \$25, shall be punished by imprisonment in State prison not more than five years or by fine not exceeding \$500, and imprisonment in the county jail not more than one year. If property does not exceed the value of \$25, imprisonment in county jail shall be limited to ninety days, fine to \$100, and on failure to pay fine imprisonment in county jail for not more than ninety days, or both fine and imprisonment.

NOTE.—New feature: Concerning the value of property stolen.

Payment of wages.—An act to prohibit any corporation from selling, giving, delivering or issuing to any person employed by him or it, in payment for wages due for labor, or as advances on the wages of labor not due, any script, order, or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money, except by consent of the employee, and to provide a penalty therefor. (No. 221, p. 278, approved May 29, 1897.)

Section 1 prohibits payment of wages due for labor in other form than in lawful money. Violation of the provisions of this section subjects to penalty of fine from \$25 to \$100, or imprisonment not to exceed thirty days, or both. Payment in script or order may be collected in money by any holder thereof in a civil action against the corporation issuing such script or order.

The provisions of this act shall not apply when any employee shall voluntarily request or consent to receive script, tokens, or orders upon any person, company, or corporation in payment, or part payment, of wages due or to become due to such employee.

Escheated estates.—An act for the ascertainment and protection of the interests of the State in escheated estates. (No. 238, p. 314, approved June 2, 1897.)

Sections of this act declare that the attorney-general of the State of Michigan shall take charge of all matters pertaining to lands or other property which may have escheated or which may hereafter escheat to the State by reason of the owners thereof dying intestate and leaving no legal heirs thereto, and defines the duties of the attorney-general relative to making inquiry concerning property, the proceedings for administration, protecting the interests of the State in uncalled for deposits of money and securities made by any depositor with any person, copartnership, company, or corporation who shall be engaged in the business of banking within this State.

Persons receiving deposits shall make report to commissioner of banking, showing the name of the person making and the amount and date of such deposit and whether the same are in money or securities, and if the latter, the nature of the same; also the interest due on such deposits, if any, and the amount thereof, and the sum total of such deposits, together with the interest added thereto due on account of such deposit or deposits and interest thereon to such depositor. Such report itemized shall be signed and sworn to, and the same filed in the office of the commissioner of banking of the State of Michigan.

If any false statement in such report is signed and willfully sworn to, it shall be deemed perjury on the part of the person signing and swearing to the same, and such person shall be liable to be proceeded against and punished as in other cases of perjury.

Failure to make report subjects to fine of \$300 for each of such failures, and an additional penal sum of \$10 for each and every day while said report shall remain unfilled as aforesaid.

The duties of the attorney-general are still further regulated and defined with regard to the sale and administration of escheated property.

NOTE.—Embraces previous legislation with modifications.

Pawnbroking.—An act relative to granting, regulating, and licensing the business of pawnbroking, hawking, and peddling goods, wares, and merchandise in the several townships of this State. (No. 248, p. 336, approved June 2, 1897.)

Section 1 declares that it shall not be lawful for any persons to engage in the business of hawking, peddling, or pawnbrokerage, by going about from door to door or from place to place, or from any stand, cart, vehicle, or in any other manner in the public streets, or upon the wharves, open places, public grounds, or buildings in any township in this State without first having obtained from the township board of the township where such business is to be carried on a license therefor, the amount of license to be fixed by township board.

Section 6 declares that every person who shall be found traveling and trading contrary to the provisions of this act, or without the required license, or not producing upon demand said license, or contrary to the terms of any license granted to him as a hawker, peddler, or pawnbroker, shall be deemed guilty of a misdemeanor: Penalty, fine not more than \$50 and costs, or imprisonment not exceeding three months, or both.

It shall be the duty of the supervisor of each township in the State of Michigan to see that this act is enforced.

NOTE.—New features: Concerning license; penalty for violation unchanged.

Destruction of noxious weeds.—An act to provide for the appointment of township, city, and village commissioners for the destruction of noxious weeds. (No. 249, p. 338, approved June 2, 1897.)

Section 1 provides for the appointment of a commissioner for the destruction of noxious weeds.

Section 2 declares that it shall be the duty of owners or occupants of lands in the State of Michigan to cut down all Canada thistles, milkweed, or other noxious weeds growing thereon in each and every year so often as shall be sufficient to prevent said weeds from going to seed; and if any owner, occupant, or person of lands shall suffer said weeds to grow thereon, the same to ripen so as to cause the spread thereon, he shall be punished by fine of \$10 and costs, and in default of payment, imprisoned for a period not exceeding twenty days.

Sections 3 to 6 define the duty of commissioner relative to the destruction of said noxious weeds, fix his compensation, and determine action when owner of land refuses to pay charges.

Section 8 declares that any commissioner who shall neglect or refuse to discharge the duties imposed upon him by the provisions of this act shall be punished by fine of \$10 and costs, and in default of payment imprisoned for a period of ten days.

Other sections provide for the destruction of Canada thistles, milkweed, or other

noxious weeds by railroad companies upon lands occupied by them at times sufficient to prevent said weeds from going to seed.

Gravel and plank road companies are subject to same requirements.

NOTE.—New feature: Penalty imposed for neglect by owners of lands to destroy noxious weeds; and also for neglect of duty by commissioner.

Obstructing drains.—An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto. (No. 254, p. 351, approved June 2, 1897.)

The nine chapters of this act deal with the establishment of drains; the appointment of a drain commissioner and the definition of his duties; with the location, laying of, and construction of drains; with apportionment of taxes for payment of drains, and the levy and collection of such taxes; with the care of established drains, and with assistance to be rendered to drain commissioner in discharge of his duties.

Section 9 of Chapter IX declares that if any person shall willfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$100 and costs, or, in default of payment, imprisonment not exceeding ninety days.

Imitation leather.—An act to provide for the stamping of boots and shoes composed wholly or partly of an imitation leather. (No. 264, p. 396, approved June 4, 1897.)

Section 1 defines the term "imitation leather."

Sections 2 and 3 deal with the manner of stamping boots and shoes manufactured with imitation leather.

Section 5 declares that any person who shall knowingly violate any of the provisions of this act shall, for each offense, be deemed guilty of a misdemeanor: Penalty, fine from \$20 to \$100, or imprisonment from thirty days to ninety days, or both.

Bicycle insurance (chap. 157, p. 195, approved May 26, 1897).—Provides for the incorporation of companies for insuring bicycles against loss or destruction, either partial or total.

Section 11 requires each company to issue an annual statement to the commissioner of insurance according to forms issued by the commissioner.

Sec. 12. No company in default of making such statement shall receive any application or issue any policy of insurance while so in default, under a penalty of \$25.

Registration of deaths (chap. 217, p. 273, approved May 29, 1897).—Provides for burial permits—certificates of death—according to certain forms; registrars of death to transmit monthly to secretary of state the certificates of death filed in his office.

Sec. 6. Officials or undertakers violating provisions of the act guilty of misdemeanor: Penalty, fine of \$5 to \$100 or imprisonment not exceeding thirty days, or both, at the discretion of the court.

GAME LAWS.

Muskrats.—An act to amend section 1 of act No. 111 of the Session Laws of 1869, entitled an act to prevent the destruction of muskrats and muskrat houses in the marshes along the shore of Lakes Erie, St. Clair, Huron, and Michigan, being section 2216 of Howell's Annotated Statutes, and to repeal all acts inconsistent therewith. (No. 27, p. 27, approved March 10, 1897.)

As amended, the section named prohibits killing, destroying, or taking by any means whatsoever within the limits of the marshes bordering on the waters of Lake Erie, Detroit River, River St. Clair, Lake St. Clair, Lake Huron, and Lake Michigan any muskrat found in said marshes between April 1 and December 1 of each year.

Violation, a misdemeanor: Penalty, fine not to exceed \$5 for each offense, and in default of payment imprisonment not to exceed ten days, or both fine and imprisonment.

NOTE.—Close season formerly between April 15 and March 1 of the following year. Former penalty, fine of \$3 for each muskrat taken.

Use of steam or electric launches forbidden.—An act to prohibit the shooting of wild fowl by persons on board of any floating device which employs as motive power steam, gas, naphtha, oil, or electricity. (No. 83, p. 91, approved April 22, 1897.)

Section 1 prohibits hunting or shooting any wild fowl by means of firearms or

otherwise during such time as persons so engaged are using any floating device or contrivance propelled by steam, gas, naphtha, oil, or electricity.

Violation, a misdemeanor: Penalty, fine from \$10 to \$50, and in default of payment imprisonment until fine and costs are paid, but not to exceed ninety days, or both fine and imprisonment.

Prairie chickens.—An act to prohibit the shooting or catching of prairie chickens, otherwise known as pinnated grouse. (No. 112, p. 123, approved May 7, 1897.)

Section 1 prohibits shooting, killing, or catching any prairie chickens in the State of Michigan for the period of five years from and after the passage of this act.

Violation, a misdemeanor: Penalty, fine from \$10 to \$25 for each and every bird so shot, killed, or caught, or imprisonment not to exceed thirty days, or both.

Fish.—An act to regulate the catching of fish in the waters of this State by the use of pound or trap nets, gill nets, seines, and other apparatus. (No. 151, p. 184, approved May 20, 1897.)

Section 1 prohibits use of nets for catching fish after the year 1900 in waters of the State of Michigan the meshes of which are not in conformity with size herein provided.

Section 2 prohibits marketing or having in possession any sturgeon or rock sturgeon weighing less than 15 pounds, or any whitefish weighing less than 2 pounds in the round: Provided, however, it shall not be unlawful to market or have in possession any such fish in gill nets of lawful size.

Section 3 prohibits fishing with any kind of net during the close season, which is defined, with provisions as to lifting nets after close of open season and as to catch ing herrings and other rough fish.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$25 to \$100 and costs, and in default of payment imprisonment until fine shall have been paid, such confinement not to exceed thirty days. Formerly, fine from \$5 to \$100, with costs, and in default of payment imprisonment until paid, time not to exceed thirty days.

Game.—An act to revise and amend the laws for the protection of game. (No. 159, p. 200, approved May 29, 1897.)

Sections of this act prohibit the hunting or killing of deer, squirrels, wild turkeys, grouse, partridge, wild duck, or other game birds during closed seasons which are herein defined, and prohibit at any time the use of pits or snares, artificial lights, explosive substances, etc., in killing game birds and animals. Robbing and destroying nests is also prohibited.

Section 20 prohibits killing or injuring at any time certain song and insectivorous birds.

Other sections deal with the manner of prosecution when the law is violated; also with the issuing of permits by game and fish warden.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$10 to \$125 and costs, or imprisonment from thirty days to six months, or both; in cases when fine and costs is imposed, imprisonment shall be until fine and costs are paid, time not to exceed six months. If fine is not paid at time imprisonment expires, the person serving out the sentence shall be further detained in jail until fine and costs are fully paid for any period to be stated, provided that the whole term of imprisonment shall not exceed six months.

NOTE.—Above act embraces all previous legislation concerning game birds and animals. Former penalty for violation of provisions, fine of \$50 for each offense, and imprisonment not to exceed thirty days until the fine should be paid. Former penalty for killing deer (see act of 1895), fine from \$50 to \$100, or imprisonment for ninety days, or both.

Deer.—An act to regulate and license the use of firearms in hunting for and killing deer protected by the laws of this State and providing a penalty for its violation. (No. 268, p. 403, approved June 2, 1897.)

Section 1 prohibits hunting or killing deer in the State of Michigan without first obtaining a hunter's license.

Sections 2 to 9 deal with procuring said license and the form of license to be used.

Section 9 prohibits the transportation of deer by railroad and express companies unless shipper shall produce his license.

Sections 10 and 11 declare that any person found hunting any deer protected by the laws of this State with any kind of firearms and who shall refuse to show his license on demand, or who shall procure a license by false swearing, or who shall attempt fraudulent use of license, shall be deemed guilty of having violated the provisions of this act. Any county clerk who shall issue a license without receiving the amount of money herein provided therefor, or who refuse or neglect to pay over any money received for his services as herein required, shall be guilty of violating the provisions of this act.

Violation subjects to penalty of fine not exceeding \$125 and costs or imprisonment not exceeding one hundred days, or both; where fine and imprisonment is imposed the sentence shall provide that if the fine and costs are not paid at the time such imprisonment expires the person serving out such sentence shall be further detained in jail until such fine and costs are paid, for a period not to exceed six months.

NOTE.—Former penalty, fine from \$50 to \$100 or imprisonment not to exceed ninety days, or both. (See sec. 28 of law passed May 4, 1895.)

Pentwater.—An act for the protection of fish in the lake known as Pentwater Lake, situated in the township of Pentwater, county of Oceana, State of Michigan. (No. 273, p. 413, approved February 11, 1897.)

Section 1 prohibits catching, killing, or destroying fish with seines or any species of continuous net or with any form of spear or trap or in any manner whatsoever except with hook and line in the waters named in act.

Violation, a misdemeanor: Penalty, fine not to exceed \$100 or imprisonment not to exceed ninety days, or both.

Long Lake.—An act to amend act No. 120 of the Public Acts of 1895, entitled an act to prevent the spearing of fish in the waters of Long Lake, in Genesee County. (No. 275, p. 414, approved March 11, 1897.)

As amended, the section prohibits the spearing of fish or taking them by any other device in the waters named in act except between May 1 and October 1 of each year, and then during said time only with hook and line.

Violation, a misdemeanor: Penalty, fine not exceeding \$30 or imprisonment not exceeding thirty days, or both.

NOTE.—New feature: Limit of season when fish may be taken with hook and line.

Monroe County.—An act to provide for the preservation of deer in Monroe County and providing a penalty for their destruction. (No. 276, p. 414, approved March 18, 1897.)

Section 1 prohibits killing or destroying any deer in the county of Monroe for the period of five years from and after November 1, 1897.

Violation, a misdemeanor: Penalty, fine of \$50 and costs, or imprisonment not exceeding ninety days, or both.

Wild Fowl Bay.—An act to define the limits of Wild Fowl Bay and to prohibit fishing with nets within such limits. (No. 277, p. 415, approved March 26, 1897.)

Section 1 prohibits fishing with nets in Wild Fowl Bay.

Section 2 defines the boundaries of Wild Fowl Bay.

Section 3 declares that the taking of minnows and other small fish for bait with nets shall not be considered a violation of this act.

Violation of provisions, a misdemeanor: Penalty, fine from \$5 to \$50, and liability to imprisonment not exceeding twenty days.

Clinton River.—An act to regulate the spearing and taking of fish by net in Clinton River and its tributaries in the county of Macomb. (No. 279, p. 416, approved April 1, 1897.)

Section 1 declares that it shall be lawful to take, catch, or kill suckers, mullet, red sides, and grass pike, commonly called pickerel, by the use of spear or dip net in the waters named in act, provided that no dip net shall be used which is more than 12 feet square.

Violation, a misdemeanor: Penalty, liability to fine not exceeding \$10 and costs or imprisonment not exceeding twenty days.

NOTE.—New as to fishes named. Former penalty (in sec. 2, No. 37), fine from \$50 to \$100 or imprisonment from twenty days to ninety days.

Camp Lake.—An act to regulate the catching of fish in the lake known as Camp Lake, in the township of Algoma, in Kent County. (No. 280, p. 416, approved April 16, 1897.)

Section 1 prohibits catching, killing, or destroying with seines or any continuous nets, or with any form of spears, or with any description of firearms, any fish in the waters named in act.

Violation subjects to liability of fine not exceeding \$100 or imprisonment not exceeding sixty days.

Rabbits.—An act to provide for the protection of rabbits in Wayne County. (No. 282, p. 417, approved May 7, 1897.)

Section 1 prohibits the use of ferrets for the purpose of hunting or killing rabbits in the county of Wayne, in the State of Michigan.

Violation subjects to fine of \$5 and costs or imprisonment until such fine is paid, not exceeding ten days.

Lake Erie.—An act to regulate the hunting of wild ducks and other wild waterfowl in the public waters of Lake Erie, within this State, and providing a penalty for violations of the provisions of this act. (No. 283, p. 417, approved May 7, 1897.)

Section 1 prohibits any person from willfully scaring or driving wild ducks or other wild waterfowl, or causing the same to be done, while any person is lawfully hunting the same on the public waters of that part of Lake Erie within the State of Michigan, with the purpose of depriving, or attempting to deprive, such person of his opportunities of shooting or hunting such wild ducks or other wild waterfowl. Every person so offending shall be subject to fine of \$20 and costs.

Emmet County.—An act to regulate the catching of speckled trout and greyling in Maple River, in Center, Eggleston, and Maple River townships, in Emmet County. (No. 287, p. 420, approved May 29, 1897.)

Section 1 prohibits catching or taking from waters named in act by any means whatever any speckled trout or greyling from August 1 in each year until May 1 of the following year.

Violation, a misdemeanor: Penalty, fine not to exceed \$25 and costs or imprisonment not to exceed thirty days, or both.

NOTE.—New features: First. As to close season. Second. Addition of both fine and imprisonment to penalty.

Clinton County.—An act to provide for the erection and maintenance of ladders for the passage of fish through the dams across the Shiawassee River and its tributaries in the counties of Saginaw and Shiawassee; the Raisin River in the counties of Monroe, Washtenaw, Jackson, and Lenawee; the Huron River and its tributaries in the counties of Wayne and Monroe; the Maple River in the town of Duplain, Clinton County; to provide a penalty for violations of the provisions of this act, and to repeal all acts and parts of acts contravening the provisions of this act. (No. 288, p. 420, approved June 4, 1897.)

Section 1 provides for the construction and maintenance fish ladders across the waters named in act.

Section 2 declares that the duty of constructing said fish ladders shall devolve upon the president, secretary, or agent of firm, corporation, company, person, or persons owning dams, expense to be certified by State game and fish warden, who shall inspect dams and prosecute in all cases where the provisions of this law are not complied with.

Failure to construct fish ladders and to maintain them as herein provided for is declared a misdemeanor: Penalty, fine not to exceed \$50 or imprisonment not exceeding thirty days, or both.

NOTE.—New as to waters named. Former penalty, fine not to exceed \$100.

MINNESOTA.

1897.

Felony and misdemeanor defined.—A felony is a public offense punishable with death, or which is, or in the discretion of the court may be, punishable by imprisonment in the State prison. Every other public offense is a misdemeanor. (Statutes, sec. 6260.)

Penalty for felony.—A person convicted of a crime declared to be a felony, for which no other punishment is specially prescribed by this code or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in the State prison or a county jail for not more than seven years or by a fine of not more than \$1,000, or by both. (Sec. 6296.)

Penalty for misdemeanor.—The person convicted of a crime declared to be a misdemeanor, for which no other punishment is prescribed by this code or by any statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in the county jail for not more than three months or by a fine of not more than \$100. (Sec. 6297.)

Grand larceny.—An act to amend section 6715 of the General Statutes of 1894, the same being section 420 of the Penal Code, relating to punishment for the crime of grand larceny in the first degree. (Chap. 17, p. 14, approved February 23, 1897.)

As amended, grand larceny in the first degree is punishable by imprisonment in

the State prison for not less than one nor more than ten years. Formerly the imprisonment was from five to ten years.

Seed-grain loans.—An act to provide for seed-grain loans to farmers in this State whose crops were destroyed by drought or storms in the season of 1896, to appropriate the necessary moneys therefor, and to provide for repayment of the same and of amounts previously appropriated for seed-grain loans. (Chap. 29, p. 25, approved March 1, 1897.)

Sections 1 to 4 provide for an appropriation for the purpose of purchasing seed grain for farmers whose crops were destroyed in whole or in part by drought, hail, or other storms in the season of 1896. They declare how such appropriation is available, fix the allowance for applicant, and define duty of State auditor concerning applications.

Section 4 defines the duty of county auditor relative to keeping account of applications, amount allowed to each person, and description of land upon which seed is to be sown. A receipt shall be required from persons to whom loan is made, embodying agreement with regard to taxation, lien on land by county, and time of repayment of loan.

Any person availing himself of the benefits of this act who shall sell or otherwise dispose of any portion of the grain thrashed from such crop or said seed grain without first repaying into the county treasury, as herein provided, the amount of said loan out of the first moneys received from the sale of any part of said grain, or shall use the money received by him under provisions of this act for any other purpose than herein specified, shall be deemed guilty of a misdemeanor: Penalty, imprisonment not to exceed one year.

In case of loss or failure of crop upon which a lien is reserved the loan shall be assessed on personal property; and in case of nonpayment by any county State auditor shall certify necessary tax.

Section 7 declares that any county commissioner who knowingly allows or aids in allowing to any applicant under this act any money for the purchase of seed grain, unless such applicant belongs to the class herein referred to who are destitute of needed seed grain, shall be guilty of a misdemeanor.

Weights and measures.—An act to amend section 9 of chapter 21 of the General Statutes of 1878, as amended by chapter 22 of the General Laws of 1887 and by chapter 109 of the General Laws of 1893, relating to weights and measures. Chap. 31, p. 29, approved March 5, 1897.)

As amended the section named in act specifies the weight at which various articles shall be contracted for or sold or delivered, and declares that whoever in buying any of said articles shall take any greater number of pounds or cubic feet thereof to the bushel, ton, or cord, as the case may be, or in selling any of said articles shall give any less number of pounds or cubic feet thereof to the bushel, ton, or cord, as the case may be, than is herein allowed and specified, except when expressly authorized so to do by special contract or agreement to that effect, shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$100 or imprisonment not exceeding ninety days.

NOTE.—New features: Weight of coal and measurement of wood. Former penalty added "or both fine and imprisonment."

Local improvement fund.—An act to create in cities of the State of Minnesota having no more than 50,000 and not less than 15,000 inhabitants a local improvement fund, and to empower such cities to issue their bonds and certificates of indebtedness for certain purposes therein mentioned. (Chap. 37, p. 35, approved March 8, 1897.)

Sections 1 to 3 deal with the issue of bonds by cities in the State of Minnesota having between 15,000 and 50,000 inhabitants for the purpose of constructing sewers or of constructing a sewerage system or systems in such cities, and for the purpose of purchasing and placing machinery necessary in the operation of such system or systems, and with the description and negotiation of said bonds.

Section 4 provides for the creation and support of a local improvement fund in said cities.

Section 5 declares that if the mayor, clerk, or recorder, or city treasurer of any such city shall at any time violate or evade any provision of section 4 of this act relating to the issue and sale of certificates of indebtedness or to the maintenance of the local improvement fund in such city, or illegally divert any moneys from such fund, he shall be deemed guilty of a misdemeanor: Penalty, liability to fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Liquor to convicts.—An act to amend sections 7433 and 7436 of General Statutes 1894, being sections 17 and 20 of chapter 157 of the laws of 1893, entitled "An act to

regulate the construction and management of county jail." (Chap. 41, p. 41, approved March 9, 1897.)

As amended, section 7433 prohibits furnishing liquors to convicts except on physician's certificate.

Section 7436 as amended declares that if any sheriff, jailer, keeper of any jail, or any other person shall violate the provisions of sections 14, 15, 16, 17, 18, or 19 of chapter named in act, he shall in each case be guilty of a misdemeanor; and on a second conviction shall be further sentenced to be incapable of holding office for the term of six years.

NOTE.—Former penalty, forfeiture of \$25 for first offense. Penalty for misdemeanor in the State of Minnesota is fine not exceeding \$100 or imprisonment not exceeding three months.

Diseased swine.—An act relating to the spread of disease among swine. (Chap. 47, p. 47, approved March 12, 1897.)

Section 1 provides for burying or burning swine that have died of any disease, and prohibits selling, giving away, or offering for sale any swine that have died of any disease, or have been killed on account of any disease; also conveying upon or along any public highway, or other public ground, or any private land, except his own, any diseased swine, or swine that have died of, or have been slaughtered on account of any disease. Persons are furthermore prohibited from allowing hogs afflicted with any disease to escape control and run at large,

Violation subjects to fine from \$10 to \$100 or imprisonment not to exceed thirty days.

Impure water.—An act to prevent the furnishing of impure water and prescribing a punishment therefor. (Chap. 64, p. 71, approved March 22, 1897.)

Section 1 declares that the owner, agent, manager, operator, or anyone having charge of or directing the management of any waterworks furnishing water for public or private use, who knowingly permits the appliances of the same to become in a filthy condition, or in such condition that the purity and healthfulness of the water supplied by reason thereof becomes impaired, shall be guilty of a felony: Penalty, imprisonment in State prison not more than ten years.

Illuminating oils.—An act to amend section 452, chapter 6, statutes of 1894, relating to illuminating oils. (Chap. 65, p. 72, approved March 22, 1897.)

As amended, the section named prohibits selling or using in the State of Minnesota any kerosene or coal oil, or any product thereof, which by reason of adulteration or for any other reason will ignite and burn at a temperature of 120° F. Provided that the quantity used for tests shall not be less than one-half pint; and further, that the gas or vapor from said oils, and what is commonly known as gasoline, may be used for illuminating purposes; and that an oil which will ignite and burn at a lower temperature than above mentioned may be sold and used for fuel purposes.

Violation, a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding one year, or both.

None of the provisions of this act shall apply to cities of more than 50,000 inhabitants.

NOTE.—New features: Exception as to gasoline, and section 2 relating to application to cities.

Fire limits.—An act relating to fire limits in all villages and boroughs in this State. (Chap. 85, p. 96, approved April 1, 1897.)

Section 1 declares that councils of all villages and boroughs in the State of Minnesota may establish and prescribe fire limits, and may prohibit and regulate the erection of buildings made of wood or other combustible material within such fire limits; also that it shall be unlawful for any person or corporation to erect any building made of wood or other combustible material within such fire limits, except in accordance with ordinance, rule, or by-law established.

Violation subjects to fine of \$100 or imprisonment for three months.

NOTE.—Formerly such authority was restricted to special villages.

Peddlers and hawkers.—An act to license peddlers and hawkers in organized townships in the State of Minnesota. (Chap. 107, p. 192, approved April 9, 1897.)

Section 1 declares that no person shall hereafter be allowed to sell or expose for sale any personal property within any organized township within the State of Minnesota, as a peddler or hawker, without first obtaining a license therefor, from the proper authorities of said organized township, in the manner hereinafter prescribed.

Sections 2 and 3 deal with the procurement of said license.

Section 4 declares that any person who shall sell or expose for sale any kind of personal property in any organized township in this State as a peddler or hawker without having obtained a license therefor as herein provided for, shall be deemed

guilty of a misdemeanor: Penalty, fine from \$10 to \$100, or imprisonment not exceeding ninety days. Refusal to exhibit license upon demand subjects to fine from \$5 to \$25.

Section 5 excludes certain sales from being construed as applying to this act.

NOTE.—Makes former legislation more general, with new features concerning penalty of fine for not exhibiting license on demand and exclusion of certain sales.

Disorderly houses.—An act to prohibit and punish riotous, obscene, or disorderly conduct, keeping a place resorted to for immoral purposes, and keeping disorderly houses. (Chap. 108, p. 194, approved April 9, 1897.)

Section 1 declares that any person who is riotous, disorderly, or obscene, or who keeps a place resorted to for immoral or disorderly purposes, or who keeps a disorderly house, shall be guilty of a misdemeanor: Penalty fine from \$5 to \$50.

NOTE.—Based on section 6575 of General Statutes so far as disorderly house is concerned.

For disorderly conduct in public conveyance the former penalty was fine not exceeding \$50 and costs, or in default of payment imprisonment not more than sixty days.

Protection of minors.—An act to amend section 249 of Penal Code, relating to the exclusion of persons under the age of 21 years from places injurious to morals. (Chap. 115, p. 201, approved April 14, 1897.)

The amended section declares that whoever admits any person under the age of 21 years, or allows them to remain in any dance house or concert saloon, or place where intoxicating liquors are sold or given away, or any place of entertainment injurious to the morals, owned, kept, or managed by him, in whole or in part, unless such person under the age of 21 years is accompanied by its parent or guardian, is guilty of a misdemeanor. Also, that any person who shall suffer or permit any such child to play any game of skill or chance in any such place is guilty of a misdemeanor.

NOTE.—Formerly act applied to persons under age of 16 years.

Minors and tobacco.—An act to prohibit the use of tobacco by minor persons under 18 years of age and by all minor pupils in public schools. (Chap. 116, p. 201, approved April 14, 1897.)

Section 1 declares that any person within the State of Minnesota who sells, gives to, or in any way furnishes any cigarettes, cigars, or tobacco in any form to any person under 18 years of age, or to any minor pupil in any school, college, or university, shall be punished by a fine not to exceed \$50 or imprisonment not to exceed thirty days for each offense.

Section 2 declares that any person under 18 years of age, or any minor pupil as above described, who shall smoke or use cigarettes, cigars, or tobacco in any form on any public highway, street, alley, park, or other lands used for public purposes, or in any public place of business, shall be arrested by an officer of the law, and the court before whom such person is taken shall impose a punishment of fine not to exceed \$10 or imprisonment not to exceed five days for each offense; provided, if said minor person shall give information which may lead to the arrest of the person or persons giving to, selling, or furnishing said minor person with tobacco the court shall have power to suspend sentence against such minor person.

Section 3 declares that any person who grants to persons under 18 years of age, or to minor pupils in schools, privilege of gathering upon or frequenting any property or lands held by him for the purpose of indulging in the use of tobacco in any form shall be subject to the same penalty as provided for in section 1 of this act.

NOTE.—An amendment of section 6952 of General Statutes and of chapter 192 of 1895. Formerly applied to persons under 16 years of age.

Deception in dairy products.—An act to amend chapter 247, General Laws of 1889, an act to prevent deception in the sale of dairy products and to preserve the public health; being supplementary to and in aid of chapter 149 of the laws of 1885, entitled "An act to prohibit and prevent the sale or manufacture of unhealthy or adulterated dairy products." (Chap. 119, p. 240, approved April 14, 1897.)

As amended section 1 prohibits sale or exchange of unclean, adulterated, or unwholesome milk, or any article of food made from the same, or cream of the same.

Violation, a misdemeanor: Penalty, fine from \$10 to \$50, or imprisonment from one to three months. Formerly the fine was from \$10 to \$100, imprisonment from one to three months, or both, for the first offense, and three months' imprisonment for each subsequent offense.

Section 2 prohibits keeping cows in a crowded or unhealthy condition.

Violation, a misdemeanor: Penalty, the same as above stated. Formerly the fine was from \$10 to \$100 or imprisonment from one to three months, or both, for first offense, and three months for each subsequent offense.

Section 3 prohibits sale, supply, or transportation of diluted or unhealthy milk to butter or cheese factories, and requires every butter and cheese manufacturer to keep records for inspection.

Violation, a misdemeanor: Penalty, fine from \$10 to \$50 or imprisonment for thirty days. Formerly, fine from \$10 to \$100 or imprisonment from one to three months, or both.

Section 4 prohibits false branding of butter or cheese and prescribes for the use of a uniform brand.

Violation of provisions of this section, a misdemeanor: Penalty, fine from \$25 to \$50, or imprisonment from fifteen days to thirty days for each and every cheese or package falsely branded.

Section 5 provides for the licensing of sellers of milk, said license to give full information, and prohibits sale of milk without license. Penalty for violation, fine from \$10 to \$50 or imprisonment not less than thirty days. Formerly, fine from \$10 to \$50 for first offense; \$50 to \$100 for second offense, and fine of \$50 and imprisonment from thirty days to sixty days for each subsequent offense.

Section 6 defines adulterated, unclean, impure, unhealthy, and unwholesome milk, and prohibits sale of skimmed milk unless marked as such.

Violation, a misdemeanor: Penalty, fine from \$25 to \$50 for each offense, and in default of payment imprisonment not less than thirty days. Formerly, no penalty for default of payment of fine.

Section 7 prohibits sale of skimmed cheese unless marked as such, and requires dealers in skimmed cheese to post notices in places of business saying, "Skimmed cheese sold here."

Violation, a misdemeanor: Penalty, fine from \$25 to \$100 or imprisonment from thirty days to ninety days. (This latter section is new.)

Horseshoeing.—An act to regulate the practice of horseshoeing in cities of over 50,000 inhabitants. (Chap. 128, p. 265, approved April 16, 1897.)

Section 1 prohibits the practice of horseshoeing, either as master or journeyman horseshoer, in any city in the State of Minnesota of over 50,000 inhabitants, unless he is duly registered as herein provided.

Other sections provide for the registration of horseshoers after examination by a board of examiners, entitling said horseshoers to a certificate, which must be filed with the city clerk.

No person shall be entitled to take said examination or receive said certificate who shall not have engaged in the practice of horseshoeing for the period of at least three years prior to the time of said examination.

Section 8 declares that any person who shall present to the city clerk of any of said cities for the purpose of registration any certificate which has been fraudulently obtained, or shall practice in any of said cities as a master or journeyman horseshoer without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor.

Dangerous diseases.—An act relating to posting notices by commissioners of health and health officers on houses and buildings in which are persons sick with smallpox, scarlet fever, diphtheria, scarlatina, or other infectious, pestilential, or epidemic disease. (Chap. 133, p. 270, approved April 16, 1897.)

Section 1 defines the duty of commissioner of health relative to posting notices when persons are affected with the diseases named in act, forbidding any person or persons, except medical attendants or spiritual advisors, from going to or leaving houses, buildings, or premises where said diseases prevail.

Removal of such notice without permission of health officer is prohibited.

Violation of any of the provisions of this act, or failure to perform any of the duties hereby imposed, is declared a misdemeanor: Penalty, fine not exceeding \$25 or, in default of payment, imprisonment not to exceed thirty days. Formerly fine from \$5 to \$25.

Freight line and equipment companies.—An act providing for the taxation of freight line and equipment companies. (Chap. 160, p. 308, approved April 20, 1897.)

Sections 1 and 2 define freight line and equipment companies and provide for the filing of statement by said companies, which shall furnish certain facts and information pertaining to their business.

Section 3 provides for the assessment of property belonging to freight line and equipment companies in the State of Minnesota by the State board of equalization.

Failure to make and file statement as prescribed subjects to penalty of fine of \$500 and an additional \$100 for each day's omission after the first Monday in July.

Said board of equalization is authorized to summon officials and inspect books and

papers of said freight line and equipment companies. Refusal to appear before the board or to answer any question touching organization, business, or property subjects to fine of not more than \$500, or imprisonment for not more than ninety days, or both.

The State board of appraisers and assessors shall report to State auditor on the first Monday in October as to value of property, and State auditor shall collect the taxes, to be paid into State treasury.

Adulteration of food jellies.—An act to so provide against the manufacture, adulteration, or sale of food jellies as to prevent fraud and preserve the public health. (Chap. 167, p. 322, approved April 21, 1897.)

Section 1 defines the term "food jellies."

Section 2 prohibits manufacture and sale of food jellies that are adulterated, unless package containing the same is labeled or branded as herein required.

Sections 3 and 4 declare what shall be deemed adulterated food jelly, and prescribe the form of label or brand to be used in sale of such food.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$5 to \$50 and costs, or imprisonment not to exceed three months.

The State dairy and food commissioner and his assistants, experts, and chemists, by him appointed, shall be charged with the proper enforcement of all the provisions of this act.

Adulteration of spices and condiments.—An act to provide against the manufacture, adulteration, or sale of spices and condiments; to prevent fraud and preserve the public health. (Chap. 176, p. 332, approved April 21, 1897.)

Section 1 defines the term "spices and condiments."

Section 2 prohibits manufacture and sale of spices and condiments which are adulterated, unless package containing the same is labeled or branded as herein required.

Sections 3 and 4 declare what shall be deemed adulterated spice or condiment, and prescribe form of label, or brand to be used in the sale of such articles.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$10 to \$50 and costs, or imprisonment not less than thirty days.

The State dairy and food commissioner and his assistants, experts, and chemists, by him appointed, shall be charged with the proper enforcement of all the provisions of this act, and shall have access to all places of business, factories, stores, and buildings used for the manufacture or sale of spices or condiments, and shall also have authority to open any package containing said spices or condiments which may be manufactured, sold, or exposed for sale in violation of the provisions of this act.

Regulation of barbering.—An act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the State of Minnesota. (Chap. 186, p. 346, approved April 21, 1897.)

Section 1 declares that it shall be unlawful for any person to follow the occupation of barber in the State of Minnesota unless he shall have first obtained a certificate of registration as provided in this act.

Sections 2 to 11 provide for the creation of a board of examiners that shall report to the legislature of this State, at each of its regular meetings, a full statement of the receipts and disbursements of the board during the preceding two years, a full statement of its doings and proceedings, and self-recommendation as to it may seem proper, looking to the better carrying out of the intents and purposes of this act.

Said board shall hold public examinations, and any person desiring to obtain a certificate of registration shall make application to said board therefor and shall pay to the treasurer of said board an examination fee of \$5, and shall present himself for examination. Satisfactory evidence shall be given that applicant is above the age of 19 years, of good moral character, free from contagious or infectious diseases, has either studied the trade for three years as an apprentice or in a properly appointed and conducted barber school under the instructions of a competent barber, or practiced the trade in another State for at least three years, and is possessed of the requisite skill in said trade to properly perform all the duties thereof, including his ability in the preparation of the tools, shaving, hair cutting, and has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of his trade. Whereupon, said applicant shall receive a certificate of registration authorizing him to practice the trade of barber in the State of Minnesota.

Every person now engaged in the occupation of barber in this State shall, within ninety days after the approval of this act, file an affidavit setting forth his name, residence, and the length of time during which, and the places where, he has practiced

such occupation, and upon payment of \$1 shall receive certificate of registration entitling him to practice as a barber.

The board of examiners shall furnish certificates of registration declaring that the holder thereof is entitled to practice the occupation of barber in the State of Minnesota, and they shall keep a register in which shall be entered names of all persons to whom certificates are issued.

Section 12 authorizes said board to revoke certificates for conviction of crime, habitual drunkenness for six months immediately before a charge duly made, gross incompetency, or contagious or infectious disease.

Section 14 declares that any person practicing the occupation of barber without having obtained a certificate of registration, or who has falsely procured such certificate, is guilty of a misdemeanor: Penalty, fine from \$10 to \$100, or imprisonment from ten days to ninety days.

Lien on grain.—An act to provide for lien on grain for thrashing the same. (Chap. 200, p. 268, approved April 21, 1897.)

Section 1 declares that owners and operators of thrashing machines shall have prior lien upon all grain thrashed from the day of thrashing for the reasonable value for such thrashing, or in case there is an agreed price for thrashing the same, then for such agreed price.

The conditions of claiming said lien shall be set forth in a written statement under oath to be filed with the town clerk.

Said lien may be foreclosed by a sale of the property covered by said lien at any time within six months after filing statement, upon like notice and in the same manner provided by law for the foreclosure of chattel mortgages.

Section 8 declares that any person selling, secreting, or disposing of property covered by said lien without the written consent of the owner of said lien is guilty of a misdemeanor: Penalty fine from \$25 to \$100, or imprisonment not exceeding ninety days.

Insurance against burglary.—An act to authorize the organization and admission of certain insurance companies to insure against loss or damage from burglary and robbery, and from loss of money and securities in the course of transportation in certain cases. (Chap. 207, p. 382, approved April 21, 1897.)

Sections of this act authorize and license burglary insurance companies to do business in the State of Minnesota under certain conditions and requirements.

Section 6 prohibits insurance companies from taking risks or transacting any business of insurance in this State by any agent or agents until it shall first appoint an attorney, who shall be the insurance commissioner, on whom process of law can be served, and file in the office of the insurance commissioner a written instrument certifying such appointment.

Violation of any of the provisions of this act shall subject the party violating the same to a penalty of fine from \$100 to \$500.

To prohibit desecration of Decoration Day.—An act to prohibit the desecration of Decoration Day and provide for punishment thereof. (Chap. 213, p. 399, approved April 21, 1897.)

Section 1 prohibits the desecration of Decoration Day, the 30th day of May of each year, by the keeping open of saloons, the playing of games of ball, cricket, football, and other like games, or by horse racing, bicycle racing, or any other sports calculated to attract attention to such games or sports and away from the memorial character of said day within one-half mile of the place where memorial exercises are in progress, between the hours from 10 o'clock in the forenoon to 3 o'clock in the afternoon of said day.

Violation, a misdemeanor, and punishable accordingly.

Adulteration of flaxseed or linseed oil.—An act to prevent the adulteration of and deception in the sale of flaxseed or linseed oil. (Chap. 217, p. 403, approved April 21, 1897.)

Section 1 prohibits the manufacture or sale in the State of Minnesota of any flaxseed or linseed oil unless the same answers the recognized chemical test for purity; also the sale of any flaxseed or linseed oil as "boiled linseed oil," unless the same shall have been put in its manufacture to a temperature of 225° F.

Section 2 prohibits the sale of flaxseed or linseed oil unless under its true name, and each vessel containing said oil be labeled either as "Pure linseed oil, raw" or "Pure linseed oil, boiled," and the name and address of the manufacturer thereof added, and sold only under the brand of such manufacturer.

Section 3 declares that any person, firm, or corporation who shall sell without

stamp, or who shall falsely stamp cans or vessels containing flaxseed or linseed oil, is guilty of a misdemeanor: Penalty, fine from \$25 to \$50, and in default of payment imprisonment not less than thirty days.

Section 4 declares that it shall be the duty of the State dairy and food commissioner and his assistants, experts, and chemists to enforce the provisions of this act; and they shall have access to all places of business and buildings where said oil is kept for sale or stored; also power and authority to open any vessel for the purpose of inspection.

Game law.—An act for the preservation, propagation, protection, taking, use, and transportation of game and fish. (Chap. 221, p. 409, approved April 23, 1897.)

Sections of this act provide for the creation of a board of game and fish commissioners for the State of Minnesota, and define the duties and powers of said board.

The killing or catching of song birds is prohibited at all times; and the killing and catching of certain game birds, animals, and fish is prohibited within the closed seasons which are herein specified.

The destruction of eggs and nests is prohibited, and in the catching and killing of the game birds, animals, and fish designated in this act restrictions are laid upon the method and manner in which such killing or catching is to be done.

Entering growing grain or another person's land is prohibited upon notice of owner not to do so. The erection of a shelter on the ice to protect persons while engaged in fishing through the ice is prohibited. Wanton destruction of birds, animals, and fish is prohibited. Shipment out of the State of Minnesota of said birds, animals, and fish is prohibited.

Violation of the various provisions of this act is declared a misdemeanor in all cases, but the penalty is more or less severe according to the provision violated. Fines vary in amount from \$5 to \$300 and costs; periods of imprisonment vary in length from five days to two hundred days.

Resisting an officer of the board of game and fish commissioners is declared a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment from ninety days to one hundred and ninety days, or both. Formerly the penalty for this violation was fine \$100 to \$200 and costs, or imprisonment from ninety days to one hundred and twenty days, or both.

The construction of fishways shall be under the supervision and control of said board of commissioners, and owners are required to keep fishways in proper condition. Failure to comply with order of the board regarding fishways after notice is declared a misdemeanor: Penalty, fine from \$5 to \$25 and costs, or imprisonment from ten to thirty days for each and every day after expiration of notice that neglect is continued.

Placing refuse in streams where said board have deposited fry or where brook trout naturally abound is declared a misdemeanor: Penalty, fine from \$50 to \$100 and costs, or imprisonment from sixty days to ninety days.

Allowance is made for taking animals and birds for scientific purposes and for domestication.

NOTE.—Embraces former legislation, with new features concerning prohibition against killing moose or caribou, with penalty attached; also concerning sale of trout or bass prior to January 1, 1900, with penalty attached for violation; also concerning other minor details not affecting the penalties, as stated in the act.

Banks of discount and deposit.—An act to amend chapter 145 of General Laws of 1895, relating to banks of discount and deposit. (Chap. 228, p. 436, approved April 23, 1897.)

As amended, the sections of this act declare what shall be the total amount of liability to banks of any person or company, or of any officer or director, the discount of certain classes of paper herein defined not being considered as money borrowed. They also provide for the superintendent of banks to assume possession when bank has become insolvent or refused to pay its deposits, or on finding books and accounts to have been kept in a false or fraudulent manner. The duty of managers of insolvent banks is regulated and provision made for the appointment of receivers.

Violation of the provisions of this act by any person, director or officer of any corporation, director or officer of any bank whereby any of the moneys, property, or assets of a bank are unlawfully loaned or used shall be punished by imprisonment in the State prison for a term not to exceed ten years, and shall be severally liable to each and every creditor of such bank for the full amount of the debt due from such bank to such creditor.

NOTE.—Special new feature: Penalty for violation of provisions by any person, director or officer of corporation or bank.

Contagious diseases among domestic animals.—An act to prevent the spread of contagious and infectious diseases among domestic animals in this State. (Chap. 233, p. 443, approved April 23, 1897.)

Sections of this act authorize State and local boards of health to take all steps they may deem necessary to control, suppress, and eradicate any and all contagious and infectious diseases among any of the domestic animals in the State of Minnesota, and regulate their duties concerning the prevention of such spread of disease.

Section 9 declares that any person violating any provisions of this act or any rule or regulation made by the State or local board of health shall be guilty of a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment from thirty days to ninety days. Also that neglect or refusal by any member of State or local boards of health to enforce rules and regulations herein prescribed is a misdemeanor: Penalty, fine from \$25 to \$100.

Section 10 declares that whenever during the prevalence in the State of Minnesota of any contagious or infectious disease among domestic animals the owner shall post on his premises a notice forbidding all persons to enter any building or inclosure on said premises without permission from said owner, it shall be a misdemeanor to enter upon said premises: Penalty, fine from \$25 to \$100, or imprisonment from thirty days to ninety days.

Section 11 declares that entering upon said prohibited premises is a misdemeanor: Penalty as already stated.

NOTE.—Based upon former legislation, with new features. Former penalty for violation of provisions, fine from \$100 to \$500, or imprisonment from thirty days to one year. Former penalty for neglect of duty by member of any local board of health, fine from \$100 to \$500 for each day's neglect.

Larceny.—An act to amend section 415 of the Penal Code, relating to the crime of larceny. (Chap. 279, p. 505, approved April 23, 1897.)

As amended the section named declares that a person who, with the intent to deprive or defraud the true owner of his property, or of the use and benefit thereof, or to appropriate the same to the use of the taker, or any other person, either takes from the possession of the true owner any money, personal property, thing in action, evidence of debt or contract, or article of value of any kind, or having possession in trust and appropriating the same, steals such property and is guilty of larceny.

Converting or disposing of property while in storage, consignment, or transit is declared stealing such property, and the person so offending is declared guilty of larceny.

NOTE.—New feature: Concerning "having possession in trust and appropriating articles."

Municipal penalties.—Disorderly conduct.—An act empowering cities to prevent fighting, brawling, assaults, batteries, disorderly noises, and disorderly conduct, and to provide for the arrest and punishment of persons guilty of the same. (Chap. 301, p. 561, approved April 23, 1897.)

Section 1 empowers cities incorporated under general or special law of the State of Minnesota to prevent disorder as defined in act, and provides for the arrest and punishment of persons who shall be guilty of such disorder.

Taxation of express companies.—An act providing for the taxation of express companies. (Chap. 309, p. 572, approved April 23, 1897.)

Sections of this act define what shall be deemed an express company and provide for annual statements by express companies or their local agents, to be made and filed with State auditor, which shall contain facts and information concerning the business of such companies.

Failure to make statement as required subjects an express company to fine of \$500 and an additional fine of \$100 for each day's omission after February 1 to file such statement.

Failure of local agent to make and file statement is declared a misdemeanor: Penalty, fine from \$25 to \$100.

The State auditor is authorized to call for officials, employees, or agents to bring books and papers for inspection. Refusal to attend before the auditor or to submit books and papers for inspection is declared a misdemeanor: Penalty, fine not to exceed \$500 or imprisonment not to exceed thirty days.

Interfering with electric lines.—An act to amend chapter 12 of title 15 of the Penal Code of the State of Minnesota. (Chap. 327, p. 594, approved April 23, 1897.)

As amended the chapter named prohibits willful injury to wires, poles, or apparatus of electric or telephone plants; also making connection with or interfering with apparatus of electric plants for the purpose of taking, using, or wasting such electricity or electric current.

Violation, a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding five years.

Vagrancy.—An act defining vagrancy and fixing punishment for the same. (Chap. 335, p. 602, approved April 23, 1897.)

Section 1 of this act defines the term "vagrant," and declares that the act of begging, or soliciting alms, or roving about from place to place, and lodging in barns or other places not intended as a place for lodging for human beings is evidence that such person is a tramp or vagrant.

Any person found guilty of vagrancy shall, upon conviction, be fined not more than \$100, and in default of payment imprisoned for a term not to exceed ninety days, to perform hard labor during such imprisonment.

NOTE.—Above act is made general to the State; formerly applied to cities only. Former penalty, fine of \$100 or imprisonment for thirty days, or both, and prisoner to be fed on bread and water.

Assault in second degree.—An act to amend section 6475 of the General Statutes of 1894, relating to the punishment of assault in the second degree. (Chap. 345, p. 611, approved April 23, 1897.)

As amended the section named reads as follows:

Assault in the second degree is punishable by imprisonment in the State prison for not more than five years, or by a fine of not more than \$1,000, or both." Formerly term of imprisonment was not less than two years nor more than five years, or fine as stated.

Equal rights of citizens.—An act to amend sections 8002 and 8003 of chapter 130 of the General Statutes of Minnesota of 1894, in regard to the equal rights of citizens in inns and other places. (Chap. 349, p. 616, approved April 23, 1897.)

The amended sections prohibit the exclusion of any person from public places in the State of Minnesota on account of race, color, or previous condition of servitude; also aiding or inciting another to exclude such person from public places for like reason.

Violation is declared a misdemeanor: Penalty, fine from \$25 to \$100 or imprisonment from thirty days to ninety days. And in addition to the punishment prescribed herein the person violating the law is liable in damages to a sum of not less than \$25 nor more than \$500 to the party aggrieved.

NOTE.—Former penalty in sections referred to in act, and hereby amended was, fine from \$100 to \$500, or imprisonment from thirty days to one year.

Soliciting places on jury list.—An act to prevent persons from requesting or soliciting the placing of the name of anyone upon any jury list. (Chap. 352, p. 619, approved April 23, 1897.)

Sections 1 and 2 declare that it shall be unlawful for any person to solicit or request any officer charged with the duty of preparing any jury list in the State of Minnesota to put his name or the name of any other person on such jury list; also that it shall be unlawful for any person or officer charged by any law of this State with the duty of preparing any jury list or list of names from which any juries are to be drawn, to place on said list any name at the request or solicitation, direct or indirect, of any person.

Violation, a misdemeanor: Penalty, fine from \$10 to \$100, or imprisonment from ten days to ninety days, or both.

Sheriffs and coroners (chap. 4, p. 5, approved February 5, 1897).—Amend section 205 of title 7, chapter 8, General Statutes 1878. Forbids sheriffs, deputy sheriffs, or coroners from appearing or practicing as attorneys or solicitors. Nor shall any sheriff or deputy sheriff be eligible to any other lucrative civil office except town or city marshal. For violation shall forfeit sum not exceeding 50.

County auditors and treasurers' fees (chap. 8, p. 7, approved February 8, 1897).—Amends section 5, chapter 291, of the laws of 1895. County auditors or treasurers must file report of fees and business under oath. Any intentional false statement in such affidavit shall subject the maker to the pains and penalties of perjury.

Military code (chap. 118, p. 204, approved April 14, 1897).—Under the military system of the United States, in which the National Guard is formed from the body of the people, it is not possible to make the same sharp distinctions between military and civil life as in some other countries. There can not be said to be distinct standards of civil justice and military justice. In legislative acts establishing the National Guard there will be found certain offenses which are of a military character to be tried by court-martial, and others which come under civil or criminal law. The common jails and prisons provided under the general laws are also used for military offenses, and civil officers, as sheriffs and constables, receive the warrant of commitment from military courts. The military code of Minnesota, as revised in the act above reorganizing the National Guard, will give an idea of the offenses which come under

the jurisdiction of courts-martial, while the same law specifies other offenses against the law creating the National Guard, such as the unauthorized wearing of uniforms, the disturbance of military parades, drills, etc., which are dealt with in the ordinary courts of justice.

SEC. 23. Military offenses defined.—A military offense, within the meaning of this act, includes any delinquency or violation of the laws, rules, regulations, or orders governing the militia or National Guard of this State, as well as of the laws or regulations governing the Army and Navy of the United States, so far as applicable to the militia or National Guard of this State, and the offenses hereinafter enumerated shall be defined as similar offenses are defined in the Articles of War, laws and regulations governing the United States Army.

SEC. 24. Offenses of officers.—Commissioned officers may be tried by court-martial for the following offenses, and on conviction thereof may be sentenced to be cashiered, and shall thereby become incapacitated from holding any military commission; dismissed, fined to any amount not exceeding one hundred (100) dollars and costs of prosecution, or, in default of payment thereof, imprisoned in a county jail not exceeding sixty (60) days, or reprimanded, or to all or either of said fines and penalties:

First. Conduct unbecoming an officer and a gentleman.

Second. Drunkenness on duty.

Third. Neglect of duty, or leaving his post or command.

Fourth. Disobedience of orders.

Fifth. Oppression of any under his command.

Sixth. Conspiracy or attempt to resist or evade lawful orders, or advising any person so to do.

Seventh. Insult or disrespect to a superior officer in the line of military duty.

Eighth. Making a false certificate, account, muster, or return.

Ninth. Conduct to the prejudice of good order and military discipline.

Tenth. Embezzlement or misappropriation of military or company funds, or wrongful conversion of company, State, or Government property.

Eleventh. Wrongfully disclosing or making improper use of a watchword or parole.

Twelfth. Desertion or cowardice.

Thirteenth. Wasting or destroying company, State, or Government property.

Fourteenth. Any other violation of the laws, rules, regulations, and orders governing the National Guard, as well as the Articles of War governing the United States Army as far as consistent with this act.

SEC. 25. Officers' delinquencies.—Officers may be tried by court-martial and fined not exceeding ten (10) dollars and costs of prosecution, or, in default of payment thereof, imprisoned in a county jail not exceeding five (5) days, for nonattendance or tardiness at any drill, parade, each day of encampment, inspection, or other duty ordered by competent authority.

SEC. 26. Triable offenses of enlisted men.—Enlisted men may be tried by court-martial for the following offenses:

First. Willful disobedience of orders.

Second. Disrespect to his superiors.

Third. Mutiny.

Fourth. Desertion.

Fifth. Drunkenness on duty.

Sixth. Neglect of duty.

Seventh. Making false report, certificate, or return.

Eighth. Fraudulent enlistment.

Ninth. Conduct prejudicial to good order and military discipline.

Tenth. Violation of any provision of the military code or rules and regulations of the National Guard.

On conviction such enlisted man may be sentenced to be dishonorably discharged with loss of time served; reprimanded; and if a noncommissioned officer, reduced to the ranks or fined to an amount not exceeding fifty (50) dollars and costs of prosecution, or, in default of payment thereof, imprisoned in a county jail not exceeding thirty (30) days, or all or either of such fines and penalties.

SEC. 27. Delinquencies of enlisted men.—Enlisted men may be tried by court-martial or summary court for the following offenses:

First. Absence without leave from, or tardiness at, any drill, parade, encampment (each day), meeting for instruction, or other duty ordered by competent authority.

Second. Disobedience of standing orders.

Third. Neglect of duty.

Fourth. Absence from inspection.

Fifth. Injuring or destroying uniforms, arms, equipments, or other company,

State, or Government property; wearing same when not on duty without permission of his commanding officer.

Sixth. Conduct unbecoming a soldier or prejudicial to good order or military discipline.

Seventh. Disrespect to his superiors.

On conviction such enlisted man may be sentenced to be dishonorably discharged, reprimanded, reduced, or fined not exceeding ten (10) dollars and costs of prosecution, or, in default of payment thereof, imprisoned in a county jail not exceeding five (5) days, or all or either of such fines and penalties.

Section 28 declares the selling, disposing of, or willfully injuring equipments or other military property is made triable by court-martial, with penalty, fine \$10 to \$100 and costs. In default of payment, imprisonment in county jail five to thirty days.

Section 29 declares selling or wearing uniforms by persons not members of the National Guard a misdemeanor: Penalty, imprisonment in county jail one to three months or fine \$50 to \$100.

Section 30 relates to military courts. The jurisdiction of a regimental court-martial shall extend to all military offenses, but it shall not inflict a punishment exceeding a fine of \$50 or imprisonment exceeding thirty days, besides the cost of prosecution and dishonorable discharge, with loss of time served, if an enlisted man, or dismissal, if an officer; all or either of which the court may impose at its discretion.

Section 34 establishes summary courts to consist of one officer for the trial of enlisted men. Their jurisdiction shall extend to all offenses cognizable before a regimental court-martial, and they shall have power to inflict any punishment not exceeding \$10 and cost of prosecution or imprisonment not exceeding five days, besides dishonorable discharge, with loss of time served, at the discretion of the court.

SEC. 48. Contempts.—Any person who shall be guilty of disorderly, contemptuous, or insolent behavior, or use any insulting or contemptuous or indecorous language or expressions to or before any military court, or any member of either of such courts, in open court, intending to interrupt the proceedings or to impair the authority of such court, may be committed to the jail of the county in which said court shall sit, by warrant under the hand of the president of such court.

The warrant shall be directed to the sheriff or any constable or marshal of any such county, or any marshal of the court, and shall briefly state the offense adjudged to have been committed, and shall command the officer to whom it is directed to take the body of such person and commit him to the jail of the county, there to remain without bail in close confinement for a time to be limited, not exceeding three (3) days, and until the officer's fees for committing and the jailer's fees be paid. Such sheriff shall obey such warrant and keep the person committed thereby until the expiration of the time mentioned in the warrant, and until the officer's and jailer's fees be paid, or until the offender shall be discharged by due course of law, unless sooner discharged by a judge of a court of record in the same manner and under the same rules as in cases of imprisonment under process of contempt from a civil court of record.

SEC. 53. Findings.—The findings and other rulings of a military court are decided by a majority vote. When the court is equally divided the vote will be recorded as "not guilty."

SEC. 54. Sentence of officers.—Courts-martial in time of peace may sentence an officer to a fine or forfeiture of pay, not exceeding one hundred (100) dollars, and costs of prosecution, to a reprimand, suspension from command, suspension from rank and pay, and to be dismissed or cashiered, or all or either of said fines and penalties.

SEC. 55. Sentence of enlisted men.—Military courts in time of peace may sentence enlisted men to a fine or a forfeiture of pay due or to become due, not exceeding one hundred (100) dollars and costs of prosecution, to be taxed by the court, to a reprimand, reduction to the ranks (if a noncommissioned officer), or dishonorable discharge, with loss of time served, or all or either of said fines and penalties.

SEC. 56. Imprisonment.—In default of payment of any fine, forfeiture of costs, imposed by any military court, after approval of sentence by the reviewing authority, the offender shall be committed to any county jail designated by said court for a period equal to one day for every two dollars remaining unpaid, not exceeding, however, sixty (60) days when sentenced by a general court-martial, thirty (30) days when sentenced by a regimental court-martial, and five (5) days when sentenced by a summary court.

SEC. 57. Confinement in guardhouse.—Whenever the National Guard, or any part thereof, is assembled for instruction, encampment, or other duty, in time of peace, all military courts may, in lieu of or in addition to any of the fines and penalties provided in this act, sentence offenders to confinement in any guardhouse or other place

of confinement to be designated by the reviewing authority for a period not to exceed the limit of such service, encampment, or duty.

Section 61 declares any sheriff, constable, jailer, marshal, or other civil officer refusing to obey the mandate of a military court, or who shall make a false return thereon, shall be guilty of a misdemeanor, and, in addition to the penalties attaching thereto, shall forfeit the sum of \$50 for each offense or neglect of duty, the same to be recovered in a civil action against such officer by the regimental or battalion commander.

Section 107 makes it unlawful for unauthorized bodies of men to associate themselves together as a military company; makes exceptions in favor of the Sons of Veterans and of students in educational institutions where military science is taught, and permits the wearing of swords by benevolent or social organizations. Violation, misdemeanor: Penalty, fine \$10 to \$100 or imprisonment ten to ninety days.

Section 109 declares persons interrupting, molesting, or insulting officers or soldiers on duty may be put under guard and turned over to police officers or constables for trial before a court of justice or trial justice: Penalty, imprisonment five days to three months or fine \$10 to \$100.

Supervisors ineligible as road overseers (chap. 172, p. 329, approved April 21, 1897).—In no case shall any member of the town board of supervisors hold the office of road overseer. Violation, misdemeanor: Penalty, fine not exceeding \$50.

Unlawful expenditure of funds (chap. 218, p. 404, approved April 21, 1897).—Authorizes cities having a population of more than 50,000 to purchase any water plant or any combined water and light plant in operation in such city and to issue water and light bonds for such purpose.

Sec. 5. It is made the duty of the common council to expend money derived from the sale of all bonds issued under the provisions of this act solely in the manner directed by the voters at said election (provided for in sections 3 and 4), and it shall be unlawful to expend said money or any part thereof for any other purpose.

Violation, misdemeanor: Penalty, fine to \$1,000 or imprisonment not exceeding one year, or both.

Judges and clerks of elections (chap. 242, p. 454, approved April 23, 1897).—Section 123, chapter 4, of the General Laws of 1893 is amended by adding at the end thereof the following: "During said canvass no person or persons other than the judges shall in any manner interfere with or handle any of the ballots cast at such election, and any person so interfering with or handling any such ballot, or any judge or judges permitting the same to be done, shall be deemed guilty of a misdemeanor."

Section 2 amends section 135 of the same law and provides that only clerks may make entries on any tally sheet or book used in connection with any canvass. Violation, misdemeanor.

Common carriers (chap. 284, p. 513, approved April 23, 1897).—Common carriers required to make annual reports. Contents specified to be rendered before September 30 in each year.

Penalty for failure, \$100 for each day it shall continue to be in default.

Paupers and dependents (chap. 291, p. 531, approved April 23, 1897).—Section 11 makes it unlawful for any railroad company or any other common carrier to bring into the boundaries of the State of Minnesota any pauper or indigent person without means of support or to transfer such person within the boundaries of said State unless with certificate by some public officer or by responsible agent of some charitable association showing that the said indigent person is being sent to the place of his legal residence or to the care of relatives, friends, or other responsible parties, or that the said poor person is able to earn a living and is being sent to some place where he has a definite prospect of employment.

Section 12 makes violation misdemeanor: Penalty, \$10 to \$100 for each offense.

Automatic ballot machines (chap. 296, p. 556, approved April 23, 1897).—An act to enable counties, towns, cities, and villages to use automatic ballot machines at all elections.

Section 6 declares any violation of provisions of this act or any willful attempt to injure or render ineffectual any such automatic ballot machine shall be a misdemeanor.

Registered plumbers (chap. 319, p. 586, approved April 23, 1896).—Makes it unlawful to employ plumbers in towns or cities having a population of 10,000 inhabitants having sewer and waterworks except as registered plumbers, according to law.

Section 2 declares that any person working at the plumbing business in such city or town without registration shall be guilty of a misdemeanor: Penalty, fine \$50 for each offense.

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Felony defined.—The term "felony," when used in any statute, shall mean any violation of law punished with death or confinement in the penitentiary. (Annotated Code, sec. 1503.)

Offense defined.—The term "offense," when used in any statute, shall mean any violation of law liable to punishment by criminal prosecution. (Sec. 1516.) And "every offense not provided for by the statutes of this State shall be indictable at common law." (Sec. 1452.)

Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than \$500 and imprisonment in the county jail not more than six months, or either. (Sec. 1454.)

Pensions for Confederate soldiers.—An act to provide for pensioning Confederate soldiers and sailors and widows and servants of soldiers and sailors who are in indigent circumstances, and repealing all laws and parts of laws in conflict with this act. (Chap. 36, p. 54, approved February 3, 1898.)

Section 1 declares that all soldiers and sailors who enlisted and honorably served in the Confederate army or navy, who are residents of the State of Mississippi, and who are indigent and not able to earn a support by their own labor are entitled to pensions; also the servants of such soldiers and sailors; also all indigent widows of soldiers, sailors, and of servants of soldiers and sailors who were married to them prior to the 1st day of January, 1866, who are unable to earn a support, and who have no relatives able, whose legal or moral duty it is to give them a support.

Sections 2 to 8 provide for the making of application for relief under this act and for the filing and examination of such application.

Section 8 prohibits any official, officer, or clerk from receiving compensation for services rendered under the provisions of this act, also speculation in or purchase for less sum than that to which each may be entitled, the claims of any soldier or sailor or servant, or widow of a deceased soldier or sailor or servant allowed under the provisions of this act. Violation, a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court.

NOTE.—Above act incorporates sections of General Code, 1892, 3227, and 3228.

Corporal punishment in lunatic asylums.—An act to amend section 2820 of the Annotated Code of 1892 by striking out provisions allowing the infliction of corporal punishment in the lunatic asylums. (Chap. 67, p. 86, approved February 11, 1898.)

As amended the section named reads as follows:

"The superintendent shall visit each patient daily, in person or through a proper assistant, and shall ascertain the condition and necessities of the patients, and prescribe their treatment and regimen, and in no case shall discipline be enforced to the extent of corporal punishment."

NOTE.—The amendment expunged from the section named the words "except under his direction and in accordance with the by-laws."

Concealed weapons.—An act to amend chapter 104 of the laws of 1896 in relation to the carrying of concealed weapons. (Chap. 68, p. 86, approved February 11, 1898.)

Prohibits the carrying of concealed weapons.

Violation a misdemeanor: Penalty, fine from \$25 to \$100, or imprisonment not exceeding three months, or both.

NOTE.—Formerly fine was from \$10 to \$100, or imprisonment from one to three months, or both, but the words are now added, "The jury may return a verdict that there shall be no imprisonment, in which case the court shall impose a fine only."

Indian ball plays.—An act to amend section 1122 of the Annotated Code of 1892 in relation to gambling so as to include Indian ball plays. (Chap. 69, p. 87, approved February 8, 1898.)

As amended the section prohibits encouraging, promoting, or playing at any game, play, or amusement for money or other valuable thing, or wagering or betting, promoting or encouraging wagering or betting any money or other valuable thing upon any game, play, amusement, cockfight, Indian ball play, or duel, or upon the result of

any election whatever. Violation subjects to fine not exceeding \$500, and unless fine and cost be immediately paid imprisonment from five days to twenty days.

NOTE.—Amended by including "Indian ball play."

Whitecapping.—An act to suppress whitecapping and like forms of intimidation. (Chap. 70, p. 87, approved February 11, 1898.)

Section 1 declares that any person or persons who shall, by placards or other writing, or verbally, attempt by threats, direct or implied, of injury to the person or property of another, to intimidate such other person into an abandonment or change of home or employment, shall, upon conviction, be fined not exceeding \$500, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years.

Trusts and combines.—An act to amend section 4439, chapter 140, of the Annotated Code in reference to trusts and combines, to provide penalties for the violation of said chapter, to require the attorney-general to enforce the provisions of said act, and to require the judges of the several circuit courts to especially call the attention of the grand juries of their respective districts to the provisions thereof. (Chap. 72, p. 89, approved January 31, 1898.)

As amended, the section named prohibits corporations from entering into trusts and combines under forfeiture of charter and franchise, and, for foreign corporations, forfeiture of its right to do business in the State of Mississippi. The attorney-general of this State is authorized to enforce this provision by due process of the law.

Violation of any of the provisions of section 4437 of said chapter 140 by principal, director, manager, agent, or other official of any corporation subjects to fine from \$100 to \$5,000, or imprisonment from three months to twelve months, or both.

NOTE.—Former penalty as repealed by section 2 of above act was a fine not exceeding \$100, or imprisonment in penitentiary not less than one year, or in county jail not less than twenty days, if a natural person, and if a corporation, fine not less than \$1,000.

Practice of medicine.—An act to amend section 3246 of the Annotated Code of Mississippi in reference to the time, place, and manner of conducting examinations for license to practice medicine, and to amend section 2279 of the Annotated Code of Mississippi in reference to the system of reporting and investigating contagious and infectious diseases in the State, and to enlarge the general powers of the State board of health as to quarantine and the enforcement thereof. (Chap. 79, p. 93, approved February 10, 1898.)

The amended sections named in act provide for the examination of applicants for license to practice medicine by the State board of health, and define the duties and powers of said State board of health when virulent epidemic contagious diseases shall make their appearance in the State of Mississippi relative to preventing the spread or suppression of such diseases.

It is declared to be the duty of every practicing or licensed physician in the State of Mississippi to report immediately to the State board of health every case of virulent epidemic contagious disease that occurs within his practice.

Failure to make such report is declared a misdemeanor, and shall be punished as provided by law for misdemeanors.

False rumors or reports of the existence of virulent epidemic contagious diseases in any portion of the State disseminated by any person or persons is declared to be a misdemeanor, punishable as now provided by law for misdemeanors.

Quarantine regulations are hereby instituted, to be under the control of the State board of health.

NOTE.—New features:

First. Concerning duty of practicing physician in State of Mississippi.

Second. Penalty for disseminating false rumors and reports.

Forbidding consolidations of competing railroads.—An act to amend section 3560 of the Annotated Code of 1892, prohibiting the leasing, purchase, or consolidation of parallel or competing railroad lines. (Chap. 80, p. 95, approved January 29, 1898.)

The section as amended prohibits railroad companies from consolidating with parallel or competing lines, or allowing their affairs to be in any manner managed, regulated, or controlled by any such parallel or competing lines, or permitting their affairs to be so managed, regulated, or controlled by the same person or persons who manage the affairs of competing or parallel railroad companies, under penalty of the forfeiture of the charters and franchises of such companies, and all persons, agents, or companies so offending shall be liable to the further penalty of \$10,000. A new feature added is as follows:

"And it shall further be unlawful for competing railroad companies operating parallel lines of road within 20 miles of each other to lease or purchase, directly or

indirectly, the opposing line or any part thereof, or any interest therein. Such contracts, no matter in whose name made, are hereby prohibited under the penalties in this section provided."

Railroad switches.—An act to require parallel railroads and railroads terminating at same point to connect their tracks by switches for the transportation and transfer of freight cars. (Chap. 81, p. 96, approved February 11, 1898.)

By this act railroad commissioners are empowered to require railroads of the same gauge, when running parallel to each other or terminating within 1 mile of each other, or when running parallel in such manner as to make it convenient, and it shall appear to the satisfaction of the railroad commission that it would be convenient, to connect their tracks so as to transfer cars of freight from one road to another.

Refusal or neglect to comply with such order of the railroad commission subjects to fine of \$100 for each day's delinquency.

Obstruction and pollution of navigable waters.—An act to amend section 1326 of the Annotated Code of 1892, relative to obstruction and pollution of navigable waters. (Chap. 89, p. 101, approved February 10, 1898.)

As amended the section named prohibits the obstruction or pollution of navigable waters within the State of Mississippi.

Violation, a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days, or both.

A new feature added reads as follows: "But this act shall not be so construed as to prevent any city or town in this State from constructing sewers so as to empty into any navigable streams of water of this State."

Oysters.—An act to repeal sections 10, 11, and 12, and to amend section 13, of chapter 129 of acts of 1896, Laws of State of Mississippi, in reference to oysters, crabs, fish, and shrimp, and to enact such laws as will prevent the fishing of oysters by dredging or dragging for same in less than 14 feet of water. (Chap. 90, p. 102, approved February 11, 1898.)

As amended the section named declares that the board of supervisors of Jackson, Harrison, and Hancock counties shall never adopt any rules or regulations to prevent citizens of the State of Mississippi from dredging oysters in water 14 feet in depth or more, or from fishing with tongs in water of any depth. But no person or persons shall fish oysters by dredging or dragging for same in water less than 14 feet in depth.

Violation of provisions subjects to fine from \$100 to \$500.

NOTE.—New feature: Penalty attached to dredging for oysters in water less than 14 feet in depth.

Injuring levees.—An act to create the Yazoo-Chickasaw levee district, constitute its board of levee commissioners, and define the duties and powers thereof. (Chap. 93, p. 105, approved February 2, 1898.)

Sections of this act define the boundaries of the Yazoo-Chickasaw levee district, and provide for the appointment of a board of commissioners for the purpose of carrying into effect the objects and purposes of their incorporation, viz, to construct and maintain new levees and to repair and strengthen old levees, to act as levee inspectors, to assume right of eminent domain when necessary, and to issue certificates of indebtedness.

Section 6 declares that if any person shall ride or drive on or near the levees of the Yazoo-Chickasaw levee district, or shall allow horses, mules, or cattle to run on same after notices shall have been posted by an order of the board of levee commissioners for said district, he shall be liable for a fine of \$10; and if any person shall willfully cut, injure, or destroy said levee of said district, or procure the same to be done, the person so offending shall be guilty of a felony: Penalty, imprisonment in the State penitentiary from three years to ten years.

NOTE.—Formerly the penalty was imprisonment not exceeding five years.

Section 7 declares that it shall be unlawful for hogs to run at large upon the levees of said levee district, and it shall be the duty of the levee inspectors to shoot and kill any hogs found running at large thereon.

Bonds of Coahoma County.—An act to issue bonds for the purpose of funding and paying off the bonds known as the "court-house bonds" of Coahoma County, issued under section 21 of an act entitled "An act to divide the county of Coahoma into two circuit court and chancery court districts, and for other purposes," approved February 19, 1892. (Chap. 95, p. 111, approved February 5, 1898.)

Sections of this act declare that the board of supervisors of Coahoma County shall have power to issue bonds of the county of Coahoma for an amount of money not exceeding \$40,000 for the purpose of paying off outstanding court-house bonds, and regulate the preparation of such bonds, fix the rate of interest thereon, provide for

their registration, and for the payment of principal and interest; keeping record of said bonds and making provision for a sinking fund.

Section 4 declares that it shall be unlawful for the said board of supervisors or any officer, member, or agent thereof to pledge or deposit any bond or coupon issued under this act as security for any borrowed money or of any debt or obligation of the county or anyone else. And any officer, agent, or member of said board who shall violate the provision by selling, transferring, or negotiating any bond or bonds for an amount less than authorized by this act, shall be guilty of a felony: Penalty, imprisonment in the penitentiary from one year to five years.

NOTE.—New feature: Penalty as stated above.

Bonds of Issaquena County.—An act to amend section 6 of chapter 181 of Laws of Mississippi of 1886, being an act to provide for the funding of the outstanding indebtedness of Issaquena County, and for other purposes. (Chap. 96, p. 114, approved February 1, 1898.)

As amended the section named declares that after January 1, 1899, it shall be unlawful for the board of supervisors of Issaquena County, or the president or clerk thereof, to issue any warrant or certificate of indebtedness or order on the county treasurer for the payment of any money, unless there should be at the time of said issuance sufficient money in the treasury belonging to that fund for which said warrant or order was drawn to fully meet the same; and that not exceeding \$4,000 of warrants, certificates, or orders shall be issued on said treasurer by said officers before January 1, 1899, for the payment of which there is not sufficient money in the county treasury at the time of the issuance thereof.

Violation of the provisions of this section is declared a felony: Penalty, fine not less than \$200 or imprisonment in the penitentiary not less than one year, or both fine and imprisonment.

NOTE.—New features: First, extension of time; second, limit of \$4,000 of warrants, etc.

Gambling in farm products.—Concurrent resolution memorializing the Congress of the United States to enact a law to prohibit dealing in futures or gambling in farm products. (Chap. 128, p. 143, approved February 11, 1898.)

Whereas the people of the State of Mississippi are engaged chiefly in agricultural pursuits and are dependent for sustenance and support upon the products of the farm; and

Whereas there has grown up in the large cities of the United States a pernicious and immoral system of gambling in these products, thereby defeating the law of supply and demand in fixing the price of said products, much to the injury of the producer: Therefore be it

Resolved by the Senate, the House concurring, That the Congress of the United States is hereby respectfully memorialized and requested to enact a law or laws abolishing what is known as "future dealing," and the members of Congress from Mississippi are earnestly requested to use their efforts to have such a law enacted.

Taxation and license (chap. 5, p. 8, approved February 11, 1898).—Section 97 declares that any person or corporate body who shall exercise any of the privileges taxed by law in the State without first paying the tax and procuring a license, as required, shall be fined not less than double the tax imposed on such privilege, or shall be imprisoned in the county jail not more than six months, or by both such fine and imprisonment. All contracts made by such person or corporation shall be null and void.

SEC. 103. Anyone failing to pay the privileges by this act imposed and to obtain license as herein required, but pursuing the business taxed without such licenses, may be proceeded against by suit, besides being dealt with criminally, etc.

Public roads (chap. 99, p. 115, approved February 5, 1898).—Amends an act in relation to public roads in the county of Madison. Persons in the county liable to be worked on the public roads not exceeding ten days each year, and five days in cases of emergency. Any person failing or refusing to work shall be guilty of a misdemeanor: Penalty, fine \$3 for each day's failure. If fine and cost be not immediately paid, the justice shall deliver such persons to the sheriff of county, to be committed to the custody of the superintendent of the county farm, who shall work such prisoner at the rate of 30 cents per day until such fine and cost be paid. Any person liable to work on the roads may discharge himself from such duty by the payment of a commutation tax.

(Chap. 16, p. 17, approved April 28, 1897).—Creates the office of road commissioner in each county and prescribes his duties.

Section 11 requires the road commissioner to report to the grand jury at every term of the circuit court the condition of the public roads and any dereliction of

duty of any road overseer, and shall report to the board of supervisors on the first day of each month the amount thus collected; his failure to do so shall be cause for immediate removal, and for prosecution for failure of duty.

Hogs running at large (chap. 25, p. 34, approved May 13, 1897).—It is made "unlawful for hogs to run at large within 2 miles of the line of levees of the Mississippi Levee district." All agents and employees of the board of levee commissioners in that district are required to kill all hogs which may be found running at large within said described limits.

Chapter 26, page 34, approved May 12, 1897, amends act creating Palmyra Levee district, approved March 19, 1896.

SEC. 7. If any person shall ride or drive on the levees of this levee district, or shall allow hogs, mules, horses, or cattle to run on the same after having been notified not to do so by any member of the levee board, he shall be liable to a fine of \$10.

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Felony defined.—The term "felony," when used in this or any other statute, shall be construed to mean any offense for which the offender, on conviction, shall be liable by law to be punished by death or imprisonment in the penitentiary, and no other. (Revised Statutes 1889, sec. 3973.)

The term "misdemeanor," as used in this or any other statute, shall be construed as including every offense punishable only by fine or imprisonment in a county jail, or both. (Sec. 3975.)

NOTE.—SEC. 3976. "Criminal offense," "crime," and "offense" may refer to both felony and misdemeanor.

Punishment for misdemeanor.—Whenever any offense is declared by statute to be a misdemeanor, and no punishment is prescribed by that or any other statute, the offender shall be punished by imprisonment in a county jail not exceeding six months or by fine not exceeding \$200, or by both such fine and imprisonment. (Sec. 3958.)

Bank examiners.—An act to repeal an act to provide for the examination of banks and fund companies incorporated under Article VI, chapter 42, of the Revised Statutes of the State of Missouri, 1889, and trust companies, and providing for prosecution of such companies when discovered to be in violation of the law approved March 22, 1895, and to enact a new act in lieu thereof. (P. 83, approved March 15, 1897.)

Sections of this act define the duty of the secretary of state with regard to visiting and examining banks and trust companies. The expense of examination is provided for, the result to be certified to the legislature.

The duty of the secretary of state is still further defined regarding banks and trust companies when capital is impaired and when illegal and unsafe banking is discovered.

Provision is made for proceedings to be entered against corporations refusing to be examined. The duty of bank examiners is defined and restrictions made as to their appointment.

Violation of his oath of office or of any duty imposed upon him by this act by any examiner shall be deemed a felony: Penalty, imprisonment not exceeding five years or fine from \$100 to \$1,000, or both.

Section 9 declares that it shall be unlawful for any examiner as hereby appointed to accept, receive, or ride on any free transportation while engaged on official business, and any officer who shall request such free transportation for any such examiner shall be guilty of a misdemeanor.

NOTE.—Embraces former legislation with omissions not affecting penalties.

Aged animals running at large.—An act to provide punishment of owners or custodians of aged and otherwise inferior animals who refuse to restrain the same from running at large. (P. 99, approved February 24, 1897.)

Section 1 of this act declares that whoever shall knowingly and purposely refuse to restrain from running at large any domestic animal of the species enumerated in section 354 of the Revised Statutes of 1889 when its age, deformity, blindness, or other infirmity would render nugatory the law providing for the sale thereof to pay costs

and damages to any party who might take up said animal shall be deemed guilty of a misdemeanor: Penalty, fine from \$5 to \$20 or imprisonment not exceeding ten days.

Adulteration of candy.—An act to repeal section 3888 of the Revised Statutes of 1889, entitled an act providing for the use of pure ingredients in the manufacture of candies, and providing penalties for a violation thereof, approved April 18, 1889, and to enact three new sections in lieu thereof, to be known as Nos. 3888, 3888a, 3888b, prohibiting the use of certain ingredients in the manufacture of candies, prescribing penalties therefor, and making it the duty of prosecuting attorneys of this State to prosecute violations of the provisions of this act. (P. 99, approved March 20, 1897.)

The new sections named in act prohibit the manufacture or sale of adulterated candy by the admixture of mineral substances or poisonous colors or flavors or other ingredients detrimental to health.

Violation subjects to fine from \$50 to \$100, and the candy so adulterated shall be forfeited and destroyed.

NOTE.—Former penalty, fine from \$50 to \$500 or imprisonment from three months to six months, or both.

Protection of girls.—An act to add to chapter 47, Article VIII, Revised Statutes of Missouri, 1889, entitled "Crimes and punishments," a new section, to be numbered 3815a. (P. 100, approved March 23, 1897.)

The new section added declares that every keeper or person in charge of any house or building used as a common assignation house or common bawdy house, who shall permit any female under the age of 18 years to enter into or remain in said assignation or bawdy house, shall be adjudged guilty of a felony: Penalty, imprisonment from two years to ten years.

NOTE.—New feature, "or bawdy house."

Book making and pool selling.—An act to punish book making and pool selling by unlicensed persons, to provide for the issuance of such a license, and to dispose of the funds arising from such license. (P. 100, approved April 7, 1897.)

Section 1 prohibits pool selling and book making upon the result of any trial or contest of skill, speed, or power of endurance of man or beast which is to take place within or beyond the limits of the State of Missouri without obtaining a license so to do; also prohibits any owner, lessee, or occupant of any room or building, or part thereof, to permit the same to be used for such purpose by any person who has not obtained a license.

Violation a misdemeanor: Penalty, fine of \$1,000 or imprisonment for one year, or both.

Sections 2 to 5 declare how license may be obtained, what license shall contain, cost of the same, and restricts the use of license to certain places and time.

Section 5 declares that if any person having obtained a license under this act shall violate any provisions or conditions thereof, he shall be deemed guilty of a misdemeanor: Penalty, fine not more than \$1,000 or imprisonment not exceeding one year, or both.

Exhibition of deformed persons and animals (p. 102, approved February 24, 1897).—Section 1 of this act declares that any person or persons who shall exhibit in any public place in the State of Missouri any deformed person, beast, fowl, or reptile, or any human being without arms or legs, or any monstrosity, shall be deemed guilty of a misdemeanor: Penalty, fine not less than \$25 or imprisonment from thirty days to ninety days, or both.

Enclosed platforms for street cars.—An act requiring persons, associations, and corporations, owning or operating street cars to provide for the well-being and protection of employees. (P. 102, approved March 5, 1897.)

Section 1 declares that every electric street car, other than trail cars which are attached to motor cars, shall be provided during the months of November to April of the following year at the front end with a screen composed of glass or other material which shall completely protect the driver, motorman, gripman, or other person stationed on such front end and guiding or directing said car from wind and storm.

Violation of the provisions of this act by any person, agent, or officer of any association or corporation, is declared a misdemeanor: Penalty, fine from \$25 to \$100 for each day that any car belonging to or used by such person, association, or corporation is permitted to remain unprovided with said screen.

Furnishing intoxicating liquors to minors.—An act to amend Article VIII, chapter 47 of the Revised Statutes of Missouri, 1889, relating to crimes and punishments, by adding a new section thereto, to be known as section 3800a. (P. 103, approved March 24, 1897.)

The new section named declares that any person who shall sell, give away, or otherwise furnish any intoxicating liquor in any quantity to any minor, without written permission of the parent or guardian of such minor, shall be deemed guilty of a misdemeanor: Penalty, fine from \$40 to \$200.

Hidden sale of intoxicating liquors.—An act to provide for the punishment of selling or giving away intoxicating liquors by any person in any manner in which the seller is not seen or known by the purchaser, and to authorize sheriffs and other officers to enter by force any room or building where such liquors are sold, and remove and hold the same until all fines which may be assessed for the sale of liquors at such place are paid, and to fix a lien upon such liquors for all fines and costs which may be assessed for the sale of liquors at such place. (P. 103, approved March 23, 1897.)

Section 1 declares that any person who shall sell or give away any intoxicating liquors by the use of a "wheel," or any other scheme or contrivance by which the seller can not be seen or known by the purchaser or donor, shall be deemed guilty of a misdemeanor: Penalty for first offense, fine from \$100 to \$500, and for any violation perpetrated after conviction for such offense, fine from \$200 to \$500, or imprisonment not less than six months, or both.

Section 2 defines the duty of sheriff upon statement of prosecuting attorney when evidence is had that intoxicating liquors are being sold in any building contrary to the provisions of this act.

Skimmed-milk cheese.—An act requiring the branding or labeling of skimmed-milk cheese when offered for sale. (P. 104, approved March 24, 1897.)

Section 1 prohibits the manufacture or sale of skimmed-milk cheese unless branded as such.

Section 2 defines "skimmed-milk cheese."

Violation, a misdemeanor: Penalty, fine from \$10 to \$500, or imprisonment not exceeding one year, or both.

Section 4 prohibits shipment of skimmed-milk cheese that is not so branded: *Provided* That this act shall not apply to any goods in transit between foreign States across the State of Missouri.

Violation, a misdemeanor: Penalty, fine from \$10 to \$500.

Section 6 declares that whoever shall efface or remove any mark or label on any such article or cheese provided for by this act, with intent to mislead, deceive, or to violate any of the provisions of this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$500.

Seduction.—An act to amend section 3486, chapter 47, article II of the Revised Statutes of Missouri of 1889, relating to seduction of unmarried females under 18 years of age. (P. 106, approved March 23, 1897.)

The section as amended reads as follows:

If any person shall, under promise of marriage, seduce any unmarried female of good repute under 21 years of age, he shall be deemed guilty of a felony: Penalty, imprisonment in the penitentiary from two to five years, or fine not exceeding \$1,000, and imprisonment in the county jail not exceeding one year; but if before judgment the defendant marry the woman so seduced, it shall be a bar to any further prosecution of the offense, but an offer to marry the female seduced by the party charged shall constitute no defense to such prosecution; in all cases where the defendant marries the woman seduced, they shall be dismissed at defendant's cost.

NOTE.—New features: First.—Raising age to 21; formerly 18 years. Second.—Concerning cases dismissed at cost of defendant.

Employer and elections.—An act to amend an act entitled "An act to prevent corrupt practices in elections, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and provide penalties and remedies for violations of this act," approved March 31, 1893, by inserting between sections 4 and 5 three new sections, to be known as sections 4a, 4b, and 4c. (P. 108, approved March 20, 1897.)

The new sections added declare that voters may absent themselves from employment for four hours on election day between the time of opening and closing the polls, provided that the employer may specify the hours. Any person or corporation refusing this privilege to persons employed, or who shall discharge or threaten to discharge any employee for absenting himself from work for the purpose of voting, or cause any employee to suffer deduction of wages because of exercising such privilege, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500.

They also prohibit business corporations from influencing the result of any election to be held in the State of Missouri, or procuring the election of any person to

public office by use of money belonging to such corporation, or by discharging or threatening to discharge any employee for reason of political opinions. Violation shall be deemed and held as a forfeiture of the charter or franchise of business corporation so violating.

Furthermore, it is declared that officers of corporations discharging employees in contravention of this act shall be deemed guilty of a felony: Penalty, imprisonment in the penitentiary from two to five years.

Primary elections.—An act to repeal an act approved April 18, 1891, and an act approved April 19, 1893, amendatory of Article IV, chapter 60, Revised Statutes of the State of Missouri, 1889, relating to "Elections, primary," etc. (P. 117, approved March 5, 1897.)

The new sections of this act provide for notice to be given of all primary elections; declare who may and who may not vote at such primary elections; provide for the division of wards into districts and for the location of polling places in said districts; for the selection of judges; authorize the appointment of watchers; provide for furnishing a register of voters for the form and preparation of ballots, and how delegations may be placed on the ballot. Polling hours are fixed and regulated; also the compensation of judges and clerks. The duty of judges and clerks is defined, and the payment of expenses of election provided for.

Unqualified or illegal voting at primary elections is declared a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding ninety days, or both.

Any judge or clerk of any primary election making or returning a fraudulent statement of the result of such election shall be deemed guilty of a misdemeanor: Penalty as afore stated.

Any person acting as judge, clerk, or watcher of election without having been duly sworn shall be deemed guilty of a misdemeanor; and any person who shall serve as judge or clerk at any polling place who is not a bona fide resident of, and a registered voter in, the district in which said polling place is located shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding ninety days, or both.

NOTE.—Former penalty for illegal voting at primary elections, fine not exceeding \$100 or imprisonment not exceeding thirty days, or both.

Fish.—An act to amend an act of the general assembly of the State of Missouri, approved April 8, 1895 (session acts, 1895, p. 182), entitled "An act to protect and preserve the game, fish, and birds of Missouri from destruction, and to provide for the appointment of a game warden." (P. 120, approved March 24, 1897.)

As amended the section prohibits killing, catching, or injuring certain game animals, fish, and birds during the close season for such game in the State of Missouri. It furthermore prohibits the destruction of wild song birds or insectivorous birds at any season of the year; also robbing or destroying the nests of same. The use of nets, traps, pens, or pits for taking game is prohibited at all times and seasons. The use of explosives is also prohibited.

Any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$50.

NOTE.—New feature: Provision concerning the catching of fish in counties affected by overflow or backwater from the Mississippi River.

Same subject.—An act to amend section 1 of an act of the general assembly of 1895, entitled "An act to protect and preserve the game, fish, and birds of Missouri from destruction, and to provide for the appointment of a game warden," approved April 8, 1895. (P. 122, approved March 24, 1897.)

This act is identical with the one next preceding, excepting as regards the last provision to the section amended.

Above act provides that nothing in this section shall be construed to prevent any person from catching fish with a seine with meshes not less than 2 inches in size, in any stream of water flowing through or bordering on lands belonging to such person, provided that such person shall not use said seine for more than two hours in any one day.

Violation, a misdemeanor: Penalty, fine not less than \$10 nor more than \$50.

Restricting employment of children.—An act to restrict the employment of children, and providing penalties for the violation thereof. (P. 143, approved March 23, 1897.)

Section 1 declares that no child under the age of 14 years shall be employed in any manufacturing or mechanical establishment in the State of Missouri wherein steam, water, or any other mechanical power is used in the manufacturing process carried on therein, or where the work to be done by such child would, in the opinion

of true, reputable physicians in the locality where such work is to be done, be dangerous to the health of such child.

Violation by any person, firm, or corporation, or its agent, or by any parent or person in charge of such child permitting him to be employed in violation of this act, is declared a misdemeanor: Penalty, fine from \$10 to \$100, or imprisonment from two days to ten days, or both: *Provided* That extreme poverty of the parent or person in charge of such child shall be a good defense to such proceeding.

Obstructing drains and ditches.—An act to enable the owners of swamp and marshy lands to drain and reclaim them, when the same can not be done without affecting the lands of others, prescribing the duties of county courts and other officers in the premises, and to provide for the repair and enlargement of such drains. (P. 146, approved March 26, 1897.)

Sections of this act provide for the construction and maintenance of drains and ditches in the various counties of the State of Missouri, to be under the supervision and management of the county surveyor.

Every person or corporation through whose lands any public ditch or drain is constructed shall keep the same open, free, and clean of any and all obstructions upon his or its premises, and in case of failure to do so he shall be liable to pay all necessary and reasonable expenses in removing such obstruction.

Section 29 declares that if any person shall willfully obstruct any public ditch, or shall willfully divert the water from its proper channel, he shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$100, and liability for any and all damages accruing to any person, persons, or corporation by reason of such act. Former penalty (see General Statutes, sec. 4496), fine from \$25 to \$100 for first offense; second offense, fine from \$50 to \$200; each subsequent offense, imprisonment in county jail from thirty days to one year.

Dentistry.—An act to repeal Article III of chapter 110 of the Revised Statutes of Missouri of 1889, and to enact a new article in lieu thereof, to be known as Article III of chapter 110. (P. 166, approved March 19, 1897.)

The new article enacted regulates the practice of dentistry in the State of Missouri, declaring it to be unlawful for any person not a registered dentist, within the meaning of this act, to practice dentistry or dental surgery in any of its departments, as principal or agent, in the State of Missouri, except as hereinafter provided.

Provision is made for the appointment of a State board of dental examiners, whose duties are herein defined.

Persons already engaged in the practice of dentistry are required to file with the board of examiners their certificates of registration, and upon payment of regulated fee a certificate will be issued to them.

Persons desiring to practice dentistry in this State, who shall have received a diploma from the faculty of some reputable dental college, shall present said diploma to the board of examiners, and on payment of regulated fee certificates of registration may be issued.

Applicants for examination, the character of which is herein regulated, are required to file application in writing with the secretary of said board of dental examiners, and, at the time of making such application, pay the secretary of said board a fee of \$10.

Furthermore, provision is made for recording certificate in the office of county clerk.

Failure or refusal to register certificate for a period of six months shall subject to forfeiture of certificate, to be restored only upon payment of \$25 to the State board of dental examiners.

Section 9 defines the practice of dentistry.

Section 11 declares that any person who shall practice or attempt to practice dentistry without a license, or without having his license renewed, as herein provided, shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$200, or imprisonment from twenty days to sixty days, or both.

NOTE.—New feature: Appointment of State board of dental examiners.

Former penalty for practicing dentistry without license, fine from \$25 to \$200.

Escapement shafts in coal mines.—An act to repeal section 7063, chapter 115, Article II, laws 1889, and to enact a new section in lieu thereof, relating to escapement shafts, when, how, and where constructed, and add a new section to be known as section 7063a. (P. 199, approved March 24, 1897.)

The new sections provide for the use of escapement shafts in coal mines, and declare when and how such escapement shafts shall be constructed.

Any owner, agent, or operator of a coal mine in the State of Missouri violating the provisions regarding said escapement shafts shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$200, or imprisonment from three months to twelve months, or both.

Chattel mortgages.—An act to regulate the loaning of money on chattel mortgages and to provide penalties for the violation thereof. (P. 202, approved March 20, 1897.)

Section 1 limits the rate of interest on chattel mortgages to 1 per cent per month, and declares that whoever shall accept or receive any note or other evidence of debt for or on account of such loan which shall express on its face a sum to be due or payable in excess of the actual amount so loaned, such note or other evidence of debt shall be void and nonenforceable; transference or delivery to any person for a valuable consideration of any such note or other evidence of debt, or of any mortgage, deed of trust, or other instrument of writing to secure the same upon such chattels, without statement of true amount actually loaned, is prohibited.

Violation, a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Release of mortgages.—An act to repeal an act entitled an act to amend an act entitled an act to amend section 7094 of the Revised Statutes of Missouri of 1889, relating to mortgages and deeds of trusts, approved March 27, 1893, approved April 9, 1895, and to enact five new sections in lieu thereof, to be numbered sections 7094a, 7094b, 7094c, 7094d, and 7094e, and to read as follows. (P. 203, approved March 23, 1897.)

The new sections declare how acknowledgment of satisfaction and release of mortgage or deed of trust may be made, and require the delivery of an affidavit at the time of making and delivering release of mortgage or deed of trust.

Provision is made for the partial release of property named in mortgage or deed of trust, and when two or more notes are given one may be canceled, a memorandum of such cancellation to be made on the margin of the record of such mortgage or deed of trust.

Any person who shall swear falsely in making the affidavits herein provided for shall be deemed guilty of perjury, and shall be punished as may be provided by law for such offense.

NOTE.—Section 7094a embraces former legislation, Other sections are new.

Osteopathy.—An act declaring the treatment of the diseases of the human body by the system, method, or science commonly known as osteopathy, and as taught and practiced by the American School of Osteopathy, of Kirksville, Mo., not to be the practice of medicine and surgery within the meaning of Article I of chapter 110 of the Revised Statutes of Missouri, 1889, and regulating and licensing the practice of osteopathy in the State of Missouri, and fixing penalties for the violation of the provisions of this act. (P. 206, approved March 4, 1897.)

Section 2 declares that any person having a diploma regularly issued by the American School of Osteopathy, of Kirksville, Mo., or any other legally chartered and regularly conducted school of osteopathy, who shall have been in personal attendance as a student in such school for at least four terms of not less than five months each before graduation shall be authorized to treat diseases of the human body according to such system after having filed such diploma for record with the clerk of the county court of the county in which such person proposes to practice. Provision is made for filing an affidavit with said county clerk that the diploma is genuine.

Section 3 declares that any person who shall practice or use the system, method, or science of osteopathy in treating diseases of the human body without having complied with the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$100 for each offense.

Pools and trusts.—An act to amend an act entitled an act to repeal sections 1, 3, 6, 7, 9, and 10 of an act providing for the punishment of pools, trusts, and conspiracies to control prices, and as to evidence and prosecution in such cases, approved April 2, 1891, by repealing the first, third, sixth, seventh, ninth, and tenth sections of said act, and enacting new sections in lieu thereof, approved April 11, 1895; by adding after the word "State," in the third line of the first section of said act, the words "all which does transact or conduct any kind of business in this State;" by adding a new section to said act providing against contracts, agreements, etc., designed or which tend to lessen competition in importation, production, or sale of any article, etc., to be known as section 1a; by adding a new section to said act, to be known as 6a, making it unlawful to deal in, sell, or offer to sell any article or commodity made by any corporation whose rights, privileges, or franchises have been forfeited, and prescribing penalties for the violation of said section; by adding after the word "article;" in the forty-third line of section 7 of said act, the following words: "and that it has not made or entered into any arrangement, contract, or agreement with any person, association of persons, or corporation designed to lessen, or which tends to lessen, full and free competition in the importation, manufacture,

or sale of any article, product, or commodity in this State, or under the terms of which it is proposed, stipulated, provided, agreed, or understood that any particular or specified article, product, or commodity shall be dealt in, sold, or offered for sale in this State, to the exclusion, in whole or in part, of any competing article, product, or commodity;" and by adding after the word "incorporation," at the end of said section, the following words: "or its right and privilege to do business in this State;" and for other purposes. (P. 208, approved March 24, 1897.)

The amended sections named in act declare that pools and trusts formed to control the prices of articles of manufacture or merchandise, or the premium to be paid for insuring property against loss or damage, is adjudged a conspiracy—not to apply to insurance companies in cities of 100,000 inhabitants or more—and make provisions for filing of affidavit by incorporated companies doing business in the State of Missouri.

The new sections declare that contracts, agreements, or arrangements to lessen competition are unlawful and void, and that it is unlawful to deal in products of corporations whose rights have been forfeited under this act. Violation of this latter prohibition is declared a felony: Penalty, imprisonment in the penitentiary not exceeding three years, or in county jail not exceeding one year, or fine from \$100 to \$1,000, or both such fine and jail imprisonment.

NOTE.—Former penalty, covering kindred offense stated in this act (see Revised Statutes for 1889, sec. 7321), fine from \$500 to \$5,000, and in addition may be imprisoned in county jail not exceeding one year.

Elections, tardiness of judges and clerks (p. 116, approved March 8, 1897).—SEC. 41. The election polls shall be open at 6 o'clock in the morning and continue open until 7 o'clock in the afternoon. If any judge or clerk shall be behind time for fifteen minutes after the time for opening such polls he shall be guilty of a misdemeanor, and punished accordingly.

National Guard (p. 172, approved March 19, 1897).—An elaborate law for the reorganization, equipment, and discipline of the militia, the preservation and recovery of State property, and the recovery of damages for its loss or injury.

SEC. 73. Any obstruction of soldiers or unwarranted intrusion of any person at armories a misdemeanor: Penalty, fine to \$100, and person may be arrested and turned over to a civil officer for trial upon complaint to the military officer.

SEC. 75. Commissioned officers neglecting to obey any order lawfully issued, or who shall hinder, interfere with, or prevent any of the men of his command from performing his duty, a misdemeanor: Penalty, fine to \$100, and imprisonment in county jail not exceeding six months, or both.

SEC. 76. Noncommissioned officers violating the law as described in the previous section, guilty of a misdemeanor: Penalty, fine to \$100, or imprisonment in county jail not exceeding three months, or both.

Section 85 makes resistance to a sentry or other soldier when on duty a misdemeanor, and likewise (sec. 84) any molesting or obstructing of soldiers while on parade, or (sec. 85) when parading on any street: Penalty for these offenses, fine \$100.

Section 86. No other organization than the militia or the troops of the United States, or the militia of other States with the permission of the commander in chief, shall associate for military instruction or parade. "Benevolent or other organizations authorized by law may use swords for the purpose of display." Violation, a misdemeanor: Fine, not exceeding \$100.

Section 98. Willful injury to arms, uniform, or equipments, or failure to return the same, a misdemeanor: Fine not exceeding \$100. Such officers or soldiers shall be likewise subject to trial by court-martial.

SEC. 99. Persons knowingly purchasing or receiving in pawn arms or military equipments, etc., shall be guilty of a misdemeanor: Fine not exceeding \$100.

SEC. 104. Uniform of the National Guard shall not be worn by persons who are not members. Violation, a misdemeanor: Fine not exceeding \$100.

Courts-martial.—Article 15 relates to courts of inquiry and courts-martial.

SEC. 119. No officer or soldier put under arrest shall be continued in confinement more than five days or until such time as a court-martial can be assembled.

The judge-advocate (sec. 130) has power to summon witnesses. Any person other than an officer or a soldier failing to appear may be proceeded against in the same manner and be subject to like penalties as in cases of the ordinary courts of justice. Provision is also made (sec. 136) for punishment of contempt.

Section 138 gives a list of offenses for which commissioned officers may be tried by court-martial.

SEC. 139. The offenses for which enlisted men may be tried.

SEC. 142. The sentences of general courts-martial may in time of peace inflict any one or more of the following punishments, namely: Reprimand; forfeiture, in whole or in part, of pay or allowances; a fine not exceeding \$100; suspension of officers from rank; reduction to the ranks of noncommissioned officers; confinement under guard for a period not exceeding the term of service for which the soldier is then ordered for the offenses committed by such soldier when on duty, or in refusing to perform duty when called out by virtue of orders issued under the provisions of this chapter; dishonorable discharge from the service.

SEC. 143. Garrison, regimental, and unattached battalion, and company courts-martial may inflict any one or more of the following punishments: Reprimand, forfeiture, in whole or in part, of pay and allowances, and a fine not exceeding \$25.

SEC. 144. The jurisdiction and procedure of all courts-martial in times of war and public danger shall be extended to the trial of all offenses, with similar punishments as are then prescribed for like courts in the Army of the United States.

Insurance (p. 127, approved March 23, 1897).—Amends previous laws. Foreign companies are required to deposit copy of charter and statement, and must furnish evidence satisfactory to the superintendent, who may issue or renew the authority of such corporation to do business in the State or may revoke the same under certain conditions. Persons doing business in the State in the interest of any company before it has been duly authorized to do business or after its authority has been revoked shall be guilty of a misdemeanor: Penalty, \$100 to \$500 or imprisonment in county jail thirty days to six months, or both.

Page 132, approved March 16, 1897, regulates fraternal beneficiary insurance.

SEC. 12. Any person, officer, member, or examining physician who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining any money or benefit in any association transacting business under this act shall be guilty of a misdemeanor: Penalty, fine \$100 to \$500 or imprisonment in county jail from thirty days to one year, or both. The same section makes any false statement perjury, to be punished according to law.

SEC. 13. Officers or agents acting for any association enjoined or prohibited from doing business pursuant to this act shall be guilty of a misdemeanor: Penalty, \$25 to \$200 or imprisonment in county jail from thirty days to one year, or both.

Officers or agents acting for associations which shall have neglected to comply with all the provisions of this act subject to the same penalty.

Schools (p. 220, approved March 23, 1897).—Provides for the election of school directors in the cities of 300,000 inhabitants; defines the duties of members of the board, of superintendent of instruction, commissioners of school buildings, etc.

Section 19 makes a violation of any provisions of the act by any member, officer, or employee of such board a misdemeanor: Penalty, not more than \$500 or imprisonment not more than one year.

MONTANA.

1897.

Felony and misdemeanor defined.—A felony is a crime which is punishable with death or by imprisonment in the State prison. Every other crime is a misdemeanor. (Penal Code, sec. 17.)

Penalty for felony.—Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony is punishable by imprisonment in the State prison not exceeding five years. (Sec. 18.)

Penalty for misdemeanor.—Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months or by a fine not exceeding \$500, or both. (Sec. 19.)

Protection of miners.—An act to further protect underground miners. (No. 17, p. 66, approved March 1, 1897.)

Sections 1 and 2 of this act provide for the erection and maintenance of an escape-shaft by owners or operators of quartz mines in which nine or more men are employed underground.

The penalty for violating any of the provisions herein prescribed is the same as provided in section 705 of the Penal Code of the State of Montana, which is fine not exceeding \$1,000.

Mines—Hours of labor for hoisting engineers.—An act regulating the hours of labor of hoisting engineers and fixing the penalties for violation thereof. (No. 22, p. 67, approved February 19, 1897.)

Sections 1 and 2 prohibits any engineer or any person from running or operating for more than eight hours in twenty-four of any first motion or direct acting hoisting engine in any mine, or any geared or indirect hoisting engine at any mine in which fifteen or more men are employed under ground. Also hiring or employing any engineer or other person to run or operate for more than eight hours in twenty-four any first motion or direct acting hoisting engine in use at any mine, or any engineer or other person to run or operate any geared or indirect acting hoisting engine at any mine employing fifteen or more men under ground.

Violation of the provisions of this act subjects to fine from \$10 to \$100 for each and every day that any person, company, or corporation violates the same.

NOTE.—Based on former legislation, without change in penalty.

Licensing insurance.—An act to provide for the licensing of insurance companies, associations, and societies doing business in the State of Montana. (No. 258, p. 76, approved March 4, 1897.)

Section 1 defines insurance companies within the meaning of this act.

Section 2 declares that all insurance corporations, associations, and societies as hereinbefore specified, before commencing to do business in the State of Montana, shall be required to secure a license authorizing them to transact the business of insurance corporations, associations, or societies. Fees for said license shall be payable to the State auditor, and are herein regulated; and provision is made for filing duplicate copy of said license.

Agents, officers, or trustees of insurance companies transacting business without complying with the provisions of this act shall, upon conviction, be deemed guilty of felony.

Section 7 declares that if any officer, trustee, agent, or other person shall directly or indirectly collect any premium for any insurance company where such company has failed to obtain a license as provided for in this act or where such company has collected premiums in excess of the amount already provided for in the license obtained, and shall have failed for a period of forty-five days after collecting such excess to obtain the additional license provided for, he shall be deemed guilty of a misdemeanor.

Insurance through resident agents.—An act to prohibit insurance corporations authorized to do business in the State of Montana from placing or causing to be placed, except through duly licensed agents in this State, insurance on property or persons in this State, and providing penalties for a violation of the provisions herein contained. (No. 268, p. 79, approved March 4, 1897.)

Sections 1 and 2 prohibit insurance companies authorized to do business in the State of Montana from placing or causing to be placed insurance on property or persons in this State except through duly licensed agents resident in the State.

Violation of these provisions subjects to revocation of license to do said insurance business.

Section 3 authorizes the State auditor to visit the office of any insurance corporation violating provisions of this act and demand an inspection of the books and records of such corporation.

Refusal to exhibit books and records for inspection is declared a violation of the provisions of this act, and the penalty hereinbefore provided shall be immediately enforced against such corporation by the State auditor.

Gambling.—An act to prohibit gambling within the State of Montana and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this act. (No. 28, p. 80, approved March 4, 1897.)

Section 1 prohibits playing or conducting any kind of gambling game for money or any representative of value or for any property or thing whatever. Violation subjects to fine from \$500 to \$1,000, or imprisonment in the State penitentiary for a period not exceeding five years and costs of prosecution.

Section 2 prohibits any person from permitting gambling games to be played or conducted in any house, room, or apartment which he may own or rent. Violation subjects to fine from \$100 to \$500 and imprisonment until fine and costs of prosecution are paid.

Sec. 3. Any person who shall fraudulently obtain from another money or property by means of the game of "three card monte," or any other game or device, or trick or other means whatever, by use of cards or other instrument or implements, or while betting on sides or hands of any such game or play, shall be deemed guilty of larceny: Penalty as in case of larceny of property of like value.

SEC. 4. Every person duly summoned as a witness for the prosecution on any proceedings had under the provisions of this act, who neglects or refuses to attend as required, is guilty of a misdemeanor.

SEC. 6. Every officer refusing or neglecting to inform against and make complaint of persons whom they have reasonable cause to believe offenders against the provisions of this act is guilty of a misdemeanor, and shall be subject to removal from office.

SEC. 9. Every owner, lessee, or keeper of any house used in whole or in part as a saloon or drinking place who knowingly permits any person under 18 years of age to play at any game of chance therein is guilty of a misdemeanor.

NOTE.—Former age 21.

SEC. 10. Every State, county, city, town, or township officer or other person who shall ask for, receive, or collect any money or other valuable consideration, either for his own or for the public use, for and with the understanding that he will aid, exempt, or otherwise assist any person from arrest or conviction for a violation of the prohibition against gambling, or who shall issue, deliver, or cause to be given or delivered to any person any license or permit authorizing persons to carry on, conduct, open or cause to be opened any of the gambling games herein forbidden, is guilty of a felony.

NOTE.—Former penalty for gambling or permitting gambling games was fine from \$200 to \$1,000 or imprisonment not to exceed one year, until fine and costs were paid.

Traveling expenses of State officers.—An act regulating the office and traveling expenses of State officers and providing the manner of allowance and payment thereof. (No. 47, p. 102, approved March 4, 1897.)

Sections 1 and 2 declare that each State officer shall be allowed his necessary office and his actual and necessary traveling expenses when performing the duties pertaining to his office; and he shall be required to travel by the shortest practicable route and to use mileage books or other means of reduced transportation when the same can be done; also that each officer shall be required to make out and file with the State board of examiners an itemized and verified account, with proper vouchers thereto attached of his expenses.

Any officer who shall knowingly collect or receive as expenses a greater sum than has been actually and necessarily paid out or incurred by him, shall be guilty of a misdemeanor. Penalty, fine from \$250 to \$1,000.

Bounty for killing wild animals.—An act to amend section 3076 of the Political Code of the State of Montana, relating to special tax levy for bounty for killing wild animals. (No. 121, p. 179, approved March 1, 1897.)

As amended, the section named declares that it shall be the duty of the board of county commissioners to levy a special tax of 3 mills on the dollar upon the assessed valuation of all cattle, horses, mules, asses, and sheep in their respective counties, which shall be collected and paid into the hands of the State treasurer.

Refusal by any county commissioner to levy the tax aforesaid, a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding three months, or both.

NOTE.—Former tax $1\frac{1}{2}$ mills on the dollar.

Building and loan associations.—An act to provide for the organization, regulation, and inspection of building and loan associations, and to repeal various sections of the Civil Code of Montana. (No. 64, p. 231, approved March 4, 1897.)

Sections of this act provide for the organization, regulation, and inspection of foreign and domestic building and loan associations doing business within the State of Montana or desiring to do business in the State of Montana.

Section 25 declares that it shall be unlawful for any building and loan association to do business in this State without having first complied with the provisions of this act; and any association violating any of the provisions of this act, or failing to comply with any of its provisions, shall be fined from \$50 to \$1,000; and any officer, employee, or other person who solicits business for or aids or assists any building and loan association to do business contrary to the provisions of this act, or without having complied with the provisions, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, or both.

NOTE.—Former penalty, fine from \$100 to \$300 or imprisonment from thirty days to six months, or both. (See sec. 820 of Civil Code for the year 1895.)

Safety cages in mines.—An act to amend section 705 of Title X of the Penal Code of the State of Montana, to have the cages in all mines cased in. (No. 77, p. 245, approved March 1, 1897.)

As amended, the section named declares it to be unlawful for any corporation or person to sink or work through any vertical shaft where mining cages are used to a greater depth than 300 feet, unless said shaft shall be provided with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees thereof. The manner of construction of said cage and apparatus is regulated, and it is furthermore declared to be the duty of the mining inspector and his assistant to see that all cages are kept in compliance with this section, and to see also that the safety dogs are kept in good order.

Every person or corporation failing to comply with any of the provisions of this section is punishable by a fine from \$300 to \$1,000.

NOTE.—New features: Concerning construction of cage and duty of mining inspector. Former penalty for violation of provisions was fine not to exceed \$1,000.

Grand larceny.—An act to amend section 883 of the Penal Code of Montana, relating to grand larceny. (No. 5, p. 247, approved February 23, 1897.)

As amended, the section named declares the crime of grand larceny to be committed, first, when the property taken is of value exceeding \$50; second, when the property is taken from the person of another; third, when the property taken is a stallion, mare, gelding, colt, foal, or filly, cow, steer, bull, stag, heifer, calf, mule, jack, jenny, goat, sheep, or hog; fourth, if any person or persons shall steal, or with intent to steal shall take, carry, drive, or lead away any of the above-named animals, being the property of another, he or they shall be deemed guilty of grand larceny, and shall be liable to the person or persons whose property is stolen for the value thereof and for any expenses incurred to make reclamation of property.

NOTE.—New feature; Concerning the theft of animals named being deemed grand larceny.

Larceny of gas, water, or electric current.—An act to amend sections 897 and 898 of Chapter V of Title XIII of part 1 of the Penal Code of the State of Montana, relating to larceny of gas, water, and electric current for light and power purposes. (No. 57, p. 248, approved March 6, 1897.)

As amended the sections named declare that every person who in any way injures or interferes with gas or water pipes, or meters, or with any electric current or conductor, with intent to injure the same, or to make fraudulent registry of gas, water, or electricity used, is guilty of a misdemeanor.

An additional section, designated as section 900, to the chapter named in act declares that whoever with intent to injure or defraud, uses any false registry, or false measuring device or meter for the measuring of any water, gas, or electric current that is sold to any person or corporation, or who shall alter or change the record or measurement of any meter or measuring device with intent to injure or defraud, shall be guilty of a misdemeanor: Penalty, fine from \$100 to \$500.

Protection of birds, fish, and game.—An act to repeal sections 1110 to 1144, inclusive, of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur-bearing animals, and game. (No. 123, p. 249, approved March 6, 1897.)

Sections of this act prohibit the shooting or killing of certain game animals and birds within the close season herein defined, or the killing beyond a certain number, under penalty of fines varying from \$25 to \$500, or imprisonment from one month to two years, according to the nature of animal or bird so shot or killed.

NOTE.—Formerly fines varied from \$20 to \$500 and the imprisonment from two months to six months.

Section 7 prohibits the destruction of certain song birds. Penalty for violation, fine from \$5 to \$100, or imprisonment not exceeding three months, or both.

NOTE.—Formerly the penalty for like violation was fine only, not to exceed \$10.

Section 8 prohibits the catching or trapping, for the purpose of sale or domestication or any other purpose, any buffalo, elk, moose, or mountain sheep within the State of Montana. Violation, a misdemeanor: Penalty, fine from \$100 to \$500, or imprisonment not exceeding six months, or both.

NOTE.—This section is a new feature of the act.

Section 9 prohibits the destruction of the nests and eggs of any of the birds or wild fowls herein mentioned. Violation, a misdemeanor: Penalty, fine from \$5 to \$25, or imprisonment not exceeding sixty days, or both.

NOTE.—Formerly the penalty for this violation was fine only, not exceeding \$10.

Section 10 prohibits taking or catching fish in any of the streams, lakes, or ponds of the State of Montana except with a pole, line, and hooks; also prohibits baiting

hook with any poisonous substance. Violation, a misdemeanor: Penalty, fine from \$25 to \$200, or imprisonment from thirty days to ninety days, or both.

It is, however, lawful to use a seine or catch net for the purpose of catching fish in the Missouri River below Great Falls, and in the Yellowstone River below Big Horn, provided said seine or net has a mesh not less than two inches square (formerly one inch square), and it is also lawful to use a seine or net in any stream, lake, or pond for the purpose of taking fish to transport into or stock other streams, lakes, or ponds in the State of Montana.

Section 12 prohibits catching any trout or graylings for speculative purposes, for market, or for sale. Violation, a misdemeanor: Penalty, fine from \$25 to \$200, or imprisonment from thirty days to ninety days, or both.

Section 14 prohibits the obstruction of streams with waste or deposits from saw-mills. Violation subjects to fine from \$50 to \$250, or imprisonment from thirty days to ninety days, or both.

NOTE.—Formerly penalty for this violation was fine only, not exceeding \$50.

Section 15 provides for and regulates the construction of fish ways or ladders at all dams placed on any of the streams of the State of Montana. Persons or corporations who shall violate any of the provisions of this section shall be subject to fine from \$50 to \$200, or imprisonment from thirty days to ninety days, or both.

Section 17 prohibits the sale or transportation of fish or game that have been taken or killed contrary to the provisions of this act. Violation, a misdemeanor: Penalty, fine from \$100 to \$300 for each lot or shipment of fish or game so transported, or imprisonment not less than ninety days, or both.

Failure on the part of any county attorney, sheriff or other peace officer, or game warden who has knowledge of the violation of any of the provisions of this act to commence such proceedings as are hereby authorized is declared a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not less than six months, or both, and also forfeiture of office.

Section 23 provides for the arrest and extradition of persons violating the provisions of this act when such violation is deemed a felony, or when the crime committed was in violation of law in any other State other than Montana.

Section 24 declares that when it is shown that any violation of the provisions of this act was for the purpose of preventing great suffering by hunger of any person or persons, which could not otherwise have been avoided, the provisions of this act shall not apply to said case.

Section 25 declares that none of the sections of this act shall apply to persons hunting or otherwise engaged in collecting specimens under the direction of and in the interest of any State educational institution of the State of Montana.

NOTE.—New features embodied largely in sections from 22 to 25, inclusive.

Taxes on inheritances, income, and bequests (p. 83, approved March 4, 1897.)—An act to establish a tax on direct and collateral inheritances, bequests, and devises.

SEC. 16. Any appraiser appointed by virtue of this act who shall take any fee or reward from an executor, administrator, trustee, legatee, next of kin, or heir, of any decedent, or from any other person liable to pay said tax, or his or their attorney or any other person, or any portion thereof, shall be guilty of a misdemeanor: Penalty, \$100 to \$500, or imprisonment in county jail ninety days, or both.

Bureau of agriculture, labor, and industry (p. 110, approved March 4, 1897.)—Establishes a bureau of agriculture, labor, and industry. The commissioner to be appointed by the governor and a chief clerk to be appointed by the commissioner.

The commissioner is empowered to collect statistical details in regard to all the productive industries of the State.

SEC. 3. The commissioner has power to examine witnesses under oath, and any person refusing him admission to a factory, etc., for the purpose of inspecting, or who shall willfully neglect or refuse to furnish statistics or other information relating to his lawful duties, or who shall willfully neglect for thirty days to answer questions by circular or by personal application, or shall refuse to obey subpoenas and give testimony shall be guilty of a misdemeanor: Penalty, \$50 to \$100.

Schools (p. 129, approved March 8, 1897).—Revises previous legislation.

Section 3 makes it a misdemeanor for school trustees or school board of any district to employ any teacher for more than three months who shall not hold a legal certificate of fitness.

Section 4 declares the trustees of any school district using text-books other than those prescribed by law (except for supplementary purposes) shall be deemed guilty of a misdemeanor.

Election of school trustees (p. 136, approved March 6, 1897).—Prescribes methods of holding elections for school trustees.

Section 9 makes it a misdemeanor for any person to vote at such election who is not entitled to vote, and any person taking a false oath shall be guilty of perjury.

National guard (p. 149, approved March 9, 1897).—Revises laws in reference to the State militia.

The following penalties appear in the course of the act:

SEC. 19. False swearing to an oath, perjury. Punishable as provided by law.

SEC. 23. A member absenting himself from all meetings for instructions during a period of thirty days, unless properly excused by his commanding officer, shall, in addition to all other penalties, be debarred from the exemption from jury duty, be considered a deserter, and dishonorably discharged from the military service of the State.

SEC. 30. Molestation of officer or enlisted man in the performance of military duty, a misdemeanor. May be placed under guard for twenty-four hours and turned over to the civil authorities.

SEC. 55. Neglect to rendezvous when ordered out subjects to a penalty from \$1 to \$300, to be recovered by an action brought by the county attorney.

Provision is made for trial by court-martial.

SEC. 59. The jurisdiction of courts-martial in time of peace extends to all offenses against military law, and may inflict one of the following punishments, namely: Reprimand; forfeiture in whole or part of pay or allowance; a fine, not exceeding \$100, or in default of payment of the same for twenty days, in case of an enlisted man, dishonorable discharge from the service; of a commissioned officer, dismissal from the service.

SEC. 64. The president of every court-martial shall have power to compel attending witnesses to be sworn and testify.

SEC. 65. Every witness failing to appear without reasonable excuse shall forfeit to the State from \$10 to \$50 in each default.

Liquors (p. 198, approved March 6, 1897).—Amends law in regard to licenses.

SEC. 2. No license shall be required of physicians, surgeons, apothecaries, or chemists for any wines or spirituous liquors that they may use or sell for medicinal purposes; but any apothecary or druggist selling these without a license shall be guilty of a misdemeanor.

SEC. 6. Doing business without license shall be punished as provided in section 780 of the Penal Code, and in addition thereto liable to penalty of 10 per cent of the amount of said license.

Municipal penalties (p. 203, approved March 8, 1897).—Amends previous laws, defines power of city or town council. They may impose fines and penalties for the violation of any city ordinance, fine not to exceed \$300, and no imprisonment must exceed ninety days for any one offense.

NEBRASKA.

1897.

Felony and misdemeanor defined.—The term "felony" signifies such an offense as may be punished with death or imprisonment in the penitentiary. Any other offense is denominated a misdemeanor. (Compiled Statutes, 1895, 6971, sec. 247.)

Adulterated cider.—An act to regulate the manufacture and sale of cider, to prevent adulteration, deception, and fraud therein, and to provide penalties for violations thereof. (Chap. 3, p. 42.)

Sections of this act define cider to mean pure apple juice, absolutely free from any foreign substance, and prohibit the sale or manufacture of any product or substance as cider or for cider which is not cider.

Any person who shall sell or manufacture any adulterated cider shall plainly mark or brand each cask or barrel as such, and shall denote the approximate proportion of each drug, chemical, or substance used in its contents.

The duty of the county attorney is defined relative to inspecting places of business where cider is sold or manufactured and taking samples for analysis.

Violations of provisions subjects to fine from \$50 to \$100 or imprisonment from

thirty to one hundred days, or both, for each offense, with costs of prosecution and all necessary expenses incurred in inspection and analysis of such adulterated cider.

Manufacture and sale of vinegars.—An act to regulate the manufacture and sale of vinegars, to prevent deception and fraud therein, and to provide penalties for violations thereof. (Chap. 4, p. 43.)

Sections of this act prohibit the sale or manufacture of cider vinegar which is not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of said apple cider, and provide for labeling or branding as cider vinegar all casks and barrels containing the same; also for marking packages containing so-called grain vinegars, wine vinegars, or fruit vinegars, without artificial coloring, and indicating the name and place of business of the manufacturing person, firm, or company, with the name of the grain or fruit from which the contents are made.

Section 4 declares that all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance or artificial coloring, and shall contain not less than 4 per cent by weight of absolute acetic acid.

Section 5 prohibits the manufacture or sale of any vinegar containing mineral ingredients injurious to health.

The duty of the county attorney is defined relative to inspecting places of business where vinegar is sold or manufactured and taking samples for analysis.

Violation of provisions subjects to fine from \$50 to \$100 or imprisonment from thirty days to one hundred days, or both, for each offense, with costs of prosecution and all necessary expenses incurred in inspection and analysis of such vinegar.

Protecting stock from pitfalls.—An act to protect stock from pitfalls and providing a penalty for the violation of this act. (Chap. 6, p. 46.)

Section 1 declares that it shall be unlawful for the owner or holder of any real estate in the State of Nebraska to leave uncovered any well or other pitfall into which any stock may fall or receive injury, and defines the duty of the road overseer relative to filling up wells and pitfalls upon nonresident land.

Any resident freeholder leaving any well or pitfall uninclosed or unfilled into which stock may fall shall be subject to fine from \$50 to \$500, and liable to the owner of said stock for damages.

Hog cholera and kindred diseases.—An act to prevent spread of hog cholera and other kindred diseases, and to prevent traffic in animals dying from infectious or other diseases, etc., and amending section 61 of Articles I and II of chapter 4 of the Compiled Statutes of Nebraska for 1895. (Chap. 7, p. 47.)

Section 1 prohibits the sale or gift of carcasses of swine or other domestic animals dying from cholera or other contagious disease under penalty of fine from \$25 to \$100, or imprisonment not exceeding ninety days.

Section 2 prohibits moving such carcasses over any road or public highway under penalty of fine from \$25 to \$100 or imprisonment not exceeding ninety days.

Sections 3 prohibits manufacturers of soap, lard, or oil from purchasing or receiving carcasses of swine or other domestic animals dying of cholera or other contagious disease, for any purpose of manufacture, under penalty of fine from \$50 to \$200 or imprisonment not exceeding six months.

Section 4 provides for quarantine of premises in which an outbreak of any contagious or infectious disease may occur, and prohibits the removal from said premises of any dead or diseased animals; said bodies shall be buried and burned upon said premises within twenty-four hours after decease of animals.

Failure to comply with quarantine provisions subjects to fine not exceeding \$100.

NOTE.—New features, provisions of sections 1, 2, and 4. Former penalty for manufacturers buying or receiving diseased carcasses, was fine from \$25 to \$100 or imprisonment not exceeding six months.

Regulating stock yards.—An act to regulate certain stock yards by declaring them public markets, etc. (Chap. 8, p. 49.)

Sections 1 and 2 declare that all stock yards operated in the State of Nebraska shall be public markets, and that equal rights and privileges must be given to all patrons.

Section 3 regulates the price to be charged for yarding, loading, unloading, watering, and weighing stock, and prohibits owners or proprietors of stock yards from charging a greater price than is herein fixed.

Section 4 fixes the charge for grain and hay, and prohibits owners, proprietors, or managers of any stock yards in the State of Nebraska to charge, collect, or receive a greater price for hay sold and delivered to owners or shippers of live stock than is herein provided.

Provision is made for an annual statement of business by owners or operators of public stock yards.

Violation of provisions is declared a misdemeanor: penalty, for first offense, fine not exceeding \$100; second offense, fine from \$100 to \$200; third and subsequent offenses, fine from \$200 to \$500 or imprisonment not exceeding six months for each offense, or both fine and imprisonment.

Prohibiting municipal officers from accepting free transportation, free light or water service.—An act prohibiting persons, partnerships, and corporations from furnishing to officers in cities or villages in this State any gaslight, electric light, or other artificial light, water or water service, telephone or telephone service, or free transportation over street-railway lines, or upon street cars in such cities or villages, free of charge, or at a price less than is charged for similar service to other customers, and prohibiting officers in such cities and villages from accepting any of such services free of charge, or at a price less than is charged to other customers for similar services, etc. (Chap. 13, p. 136.)

Section 1 prohibits free passes or reduced rates to city officials by any street railway, under penalty of fine from \$200 to \$500, and the officer or agent of such company shall be punished by imprisonment from thirty days to six months.

Section 2 declares that if any city or village official uses a free pass or accepts reduced rates of carriage he shall be punished by fine from \$100 to \$500 and imprisonment from thirty days to ninety days.

Section 3 prohibits free or reduced rates for telephone service to officials by any telephone company, under penalty of fine from \$100 to \$500, and the officer or agent of said company shall be punished by imprisonment from thirty days to six months. Any violation of this section by city or village officials accepting free or reduced rates of telephone service shall subject him to fine from \$100 to \$500 and imprisonment not exceeding ninety days, with forfeiture of office.

Section 4 prohibits free or reduced rates for lighting service to officials by any person or corporation engaged in furnishing artificial light to any city or village in the State of Nebraska, under penalty of fine from \$100 to \$500 and imprisonment of the person or individuals composing such partnership from thirty to ninety days; if such violation is by a corporation it shall be punished by fine from \$200 to \$600; the penalty for official who shall accept light or light services free of charge, or for a price less than is charged to other customers, is fine from \$100 to \$500 and imprisonment from thirty to ninety days, with forfeiture of office.

Section 6 prohibits free or reduced water service to city officials. Violation, a misdemeanor: Penalty, fine from \$200 to \$600, and in case the offender is a person or partnership, he or they shall be punished by fine from \$100 to \$500 and imprisonment from thirty to ninety days. Any officer in city or village accepting water service free of charge, or for a price less than is charged to other customers, is declared guilty of a misdemeanor: Penalty, fine from \$100 to \$500 and imprisonment from thirty to ninety days, with forfeiture of office.

Corporations influencing elections.—An act to prohibit corporations from contributing money or means to influence or control electors and to punish a violation of the law. (Chap. 19, p. 185.)

Section 1 declares it to be unlawful and a misdemeanor for any corporation to give or contribute money for political purposes: Penalty for first offense, fine of \$1,000.

The penalty for a second or subsequent offense shall be a fine of \$2,000, and the court shall decree the charter of said corporation canceled.

Public elections.—An act to provide the independence of voters at public elections, to enforce the secrecy of the ballot, etc. (Chap. 31, p. 213.)

Sections of this act deal with and regulate the holding of public elections in the State of Nebraska, provision being made for the nominations to public offices; ballots to be cast at said election, and manner of casting them; for polling booths, etc.

Section 24 declares that no judge of election shall deposit in any ballot box any ballot unless the same is identified by the signature of two of the judges of election, as hereinbefore provided. Violation subjects to fine from \$10 to \$100.

Section 27 prohibits making of false oath or fraudulently defacing or destroying any certificate of nomination or any part thereof. Violation shall be deemed a felony, and shall be punished by imprisonment in the penitentiary from one to five years.

Section 28 prohibits illegal opening or possession of official ballots, or printing any false or fraudulent ballots, or attempting to vote any other than the official ballot lawfully obtained. Violation, a misdemeanor: Penalty, fine from \$300 to \$1,000 or imprisonment from six months to one year.

Section 29 declares that every public officer upon whom any duty is imposed by this act who shall willfully do or perform any act or thing herein prohibited, or neglect or omit to perform any duty as imposed upon him by the provisions of this

act, shall forfeit his office and be punished by imprisonment from one month to six months or by fine from \$100 to \$500, or by both fine and imprisonment.

Section 30 prohibits electioneering at polling places; also obstructing passage to and from election places; and provides for the secrecy of the ballot. Violation of any of the provisions of this section subjects to fine from \$25 to \$100 and costs.

NOTE.—Above act embraces former legislation with various new features. New penalties imposed are those provided for in section 28, concerning illegal voting.

Direct vote of people on municipal ordinances.—An act vesting a right in the voters of any city, county, town, village, school district, or other municipal subdivision of the State of Nebraska to propose ordinances, contracts, agreements, or measures and enact the same into laws for the government of such municipal divisions or subdivisions of the State by a direct vote of the people who are qualified to vote in such respective jurisdictions; vesting a right in the voter of any such city, county, town, village, school district, or other municipal subdivision of the State of Nebraska to refer any ordinance, agreement, contract, or measure enacted or proposed by the legislative body of any city, county, town, village, school district, or other municipal subdivision of the State by a petition to a vote of the voters of such jurisdiction, and to reject the same by the ballot; to prescribe the manner of such legislation, and provide punishment for all offenders against the provisions of this act. (Chap. 32, p. 232.)

Sections of this act deal with city ordinances and provide for the proposal of ordinances by voters to be submitted at special and general elections, petition for the same to be filed with the city clerk.

SEC. 23. Whoever knowingly or willfully makes a false affidavit or takes a false oath or signs a false certificate regarding the qualifications of any person to sign the proposals or petitions under this act shall be punished by a fine not exceeding \$300 or by imprisonment not exceeding one year, or by both fine and imprisonment.

SEC. 24. Whoever falsely makes or willfully destroys a certificate of proposal or petition shall be punished by a fine not exceeding \$500, or imprisonment in jail not exceeding one year, or by both fine and imprisonment.

SEC. 25. Whoever signs any proposal or petition under this act, knowing that he is not a qualified voter in the place where said proposal or petition is made, or who aids or abets any other person in doing any of the acts above mentioned, or whoever bribes or gives or pays any money or thing of value to any person, directly or indirectly, to induce him to sign said proposal or petition, shall be punished by a fine not exceeding \$300 or by imprisonment not exceeding one year, or by both fine and imprisonment.

SEC. 26. Any clerk of a city, county, town, or school district, or other municipal subdivision of the State of Nebraska who fails, neglects, or refuses to comply with the provisions of this act, shall be punished by fine not exceeding \$5,000.

Section 27 declares that the State election laws shall apply to voting on ordinances by the voters under the provisions of this act.

Cruelty to children.—An act defining cruelty to children, prescribing punishment therefor, and for guardianship of children in certain cases. (Chap. 36, p. 241.)

Sections 1 and 2 declare it to be unlawful to willfully abandon, cruelly or unlawfully punish, or willfully or negligently deprive of necessary food, clothing, or shelter, or to endanger the health of any child or children under the age of 14 years; or to cause or permit such child to be overworked, cruelly beaten, tortured, tormented, or mutilated.

Violation subjects to penalty of fine not exceeding \$100 or imprisonment not exceeding three months.

Provision is made for humane societies to become the guardian of minor children, and when it shall be made to appear that any child or children under the age of 14 years, by reason of orphanage, or of the neglect, crime, drunkenness, or other vice of parents, is growing up without education or salutary control, and in circumstances exposing such child or children to lead a dissolute and vicious life, such child or children may be committed to the custody of any legally incorporated humane society or society for the prevention of cruelty to children, such society to provide for care and education in some suitable family or institution of instruction of the child or children committed to its charge.

Labor commissioner, State bureau of employment, etc.—An act to amend sections 2066 and 2068, and to create a new section to be numbered 2071, of Cobby's Consolidated Statutes of Nebraska, 1893, and to repeal sections 2066 and 2068 as they now stand. (Chap. 39, p. 247.)

The amended sections and the new section added authorize the labor commissioner to enter factories or workshops in which labor is employed for the purpose of

protecting employees, and provide for posting in factories or workshops the laws now, or hereafter to be made in respect to child labor, fire escapes, hours of labor, or other laws pertaining to the health or safety of employees. And if the owner, manager, or agent of any factory or workshop shall remove or destroy the same, he shall be subject to fine not exceeding \$50 for each offense.

Provision is made for reports to be filed with the State bureau of labor concerning wage-workers, and for the establishment of a free public employment office, regulating the manner of conducting the business of said office.

Any clerk or deputy connected with the said bureau who shall accept any compensation or fee from any applicant for help or any applicant for employment, or for services as provided in this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$25 to \$100 for each offense, or imprisonment not to exceed thirty days.

NOTE.—New features: Concerning report to State bureau of labor, and the establishment of a free employment bureau.

Fraternal beneficiary societies.—An act defining fraternal beneficiary societies, orders, or associations, and regulating the same, and to repeal an act entitled an act to exempt certain societies and associations from the requirements of chapter 16 of the Compiled Statutes, to define the duties, powers, and obligations of such societies and associations, and to provide penalties for the violation thereof, approved March 29, 1887. (Chap. 47, p. 266.)

Sections of this act define the term "fraternal beneficiary association," and regulate the transaction of business by such associations.

Provision is made for fraternal beneficiary associations to file an annual report of the condition of their business with the auditor of public accounts. Refusal or neglect to make such report subjects to exclusion from doing business within the State of Nebraska.

Any officer, agent, or person acting for any beneficiary association or subordinate body thereof within the State of Nebraska, while such association shall be prohibited from doing business pursuant to this act, or which shall have violated any of the provisions of this act, or failed or neglected to procure from the auditor of public accounts proper certificate of authority to transact business as provided by this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$25 to \$200, or imprisonment from thirty days to one year, or both fine and imprisonment.

Section 18 declares that any officer, agent, or member of a society who shall obtain any money or property belonging thereto by any false or fraudulent representation, shall be subject to fine not exceeding \$500 and costs, and stand committed until fine and costs are paid, or may be imprisoned not exceeding six months.

Subsequent sections deal with the organization of new beneficiary corporations undertaking to do business within the State of Nebraska.

Inclosing platforms of street cars.—An act to require persons, copartnerships, street-railway companies, operating electric cars, cable, or other cars propelled by steam, cable, or electricity, to protect certain of their employees from the inclemency of the weather during certain months of the year, and providing punishment for violations thereof. (Chap. 54, p. 296.)

Sections 1 and 2 declare it unlawful for owners or operators of street railways in the State of Nebraska, or for any officer or agent thereof, to require or permit services from any of its employees or any other person or persons between November 1 and April 1 of the following year unless the platforms of their cars are provided with a proper sufficient inclosure of suitable material sufficient to protect such employees from exposure to the winds and inclemencies of the weather; and after November 1, 1897, it shall be unlawful for any street railway to operate its cars without such provision of inclosure as required herein.

Violations of this act, if by a corporation, subject to fine of \$100; if by a person or a copartnership, to fine of \$100 or imprisonment not exceeding three months.

Combinations among grain dealers.—An act to prohibit combinations among grain-elevator men and to prohibit any person, company, partnership, association, or corporation engaged in the business of grain dealing, or owning or operating any grain elevator, or in the buying, selling, handling, consigning, or transporting grain, from entering into any understanding, contract, agreement, or combination with any other person, company, partnership, association, or corporation to form, enter into, maintain, or contribute to any trust, pool, combination, or association of whatever name, having for any of its objects the prevention of competition among buyers, sellers, or dealers in grain not members of, or not doing business through, such trust, pool, combination, or association, by means of preventing such persons from finding a market for their grain, and by intimidating and preventing purchasers and exporters from buying from any person not a member of, and not doing business through, such

trust, pool, combination, or association, and to provide a penalty for the violations of this act. (Chap. 80, p. 352.)

Section 1 prohibits combinations among grain dealers which shall prevent competition in the purchase, sale, or dealing in grain.

Sections 2 and 3 declare that any person, company, or association violating the provisions of this act shall be guilty of felony: Penalty, fine from \$1,000 to \$2,000, and in addition may be imprisoned in the State penitentiary not exceeding six months; and shall also be liable for all damages sustained.

NOTE.—This act incorporates largely chapter 91, Compiled statutes 1891, on trusts, but applies to grain. Formerly violation was adjudged a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment in county jail not exceeding six months, or both fine and imprisonment.

Waste of mutual artesian water.—An act to prohibit the useless waste of mutual artesian water in the State of Nebraska. (Chap. 84, p. 358.)

Section 1 prohibits the waste of artesian water on farms, town lots, or other real estate in the State of Nebraska.

Failure or refusal to close or shut off any wastage of artesian water, after notification, subjects to arrest and fine from \$10 to \$25, with costs of arrest and prosecution; if wastage be not abated within twenty-four hours after arrest and conviction, it shall be deemed a second offense, and subject to the same fine as the first offense.

Burglary.—An act to amend section 48, chapter 8, of the Criminal Code of the Compiled Statutes of Nebraska of the year 1895. (Chap. 97, p. 380.)

The amended section declares that breaking into any dwelling house, kitchen, smokehouse, slaughterhouse, shop, office, storehouse, mill, pottery, factory, water craft, schoolhouse, church or meetinghouse, barn, chicken house, stable, warehouse, malt house, stillhouse, railroad car factory, station house, or railroad car, with intent to kill, rob, commit a rape, or with intent to steal property of any value, or commit any felony, shall be adjudged a burglary, and shall subject to imprisonment in the penitentiary from one to ten years.

NOTE.—New feature: Including chicken house and slaughterhouse in list of places where burglary may be committed.

Protection of game.—An act relating to the protection of game. (Chap. 98, p. 380.)

Section 1 prohibits killing or catching with snares or traps any elk, deer, or antelope within the closed seasons. Violation a misdemeanor: Penalty, fine from \$15 to \$30 for every animal killed, and fine of \$30 to \$50 for every animal ensnared or trapped.

Sections 2, 3, and 4 prohibit the killing of certain game birds and wild waterfowl, also ensnaring or trapping the same within the closed season herein defined. Violation, a misdemeanor: Penalty, fine of \$5 for every bird so killed, trapped, or netted.

Section 5 prohibits the use of swivel guns or any other than the common shoulder gun, also the use of any raft, punt boat, or sneak boat for killing or destroying the wild fowl within the State of Nebraska, also the construction of blinds or hiding places for the purpose of shooting at any of the same birds. Violation, a misdemeanor: Penalty, fine from \$25 to \$50 for each offense.

Hunting or trapping on the premises of another without consent of owner is prohibited under penalty of fine from \$5 to \$100 for each offense.

Section 6 prohibits selling or having in possession any of the game animals or birds herein mentioned out of season. Violation a misdemeanor: Penalty, fine of \$25 for each and every animal so sold or had in possession, and fine of \$5 for each and every bird so sold or had in possession.

Section 7 prohibits the transportation of game, either within the State or out of the State, by common carrier at any time of the year. Violation, a misdemeanor: Penalty, fine of \$25 for each animal transported and fine of \$5 for each bird transported.

SEC. 9. In all cases when any person, party, or officer is convicted and fined for a violation of any of the provisions of this act it shall be the duty of the court imposing such fine or fines to make it a part of the judgment that such person, party, or officer stand committed to the jail of the county until fine and costs be fully paid, or paid at the rate of one day in jail for every dollar of such fine and costs.

Provision is made for searching places where proof is had that any of the said game animals or birds may be concealed during the close season, dwelling houses being exempt from such search.

NOTE.—Above act embraces former legislation, with new features concerning time of close season for game animals. Formerly the penalty for killing the same was fine of \$15.

Concerning list of game birds and construction of blinds. Former penalty for using prohibited firearms was fine from \$2 to \$20 for each offense, or imprisonment not exceeding twenty days.

Former penalty for trespass, fine from \$5 to \$50; for selling or having in possession, fine was \$15 for each animal and \$5 for each bird. Section 7 to close of act is new.

Adulteration of food.—An act to provide against the adulteration of food, prohibiting the sale or offering for sale of adulterated food, and providing a penalty for the violation thereof. (Chap. 99, p. 386.)

Section 1 prohibits the sale or manufacture of adulterated food within the State of Nebraska.

Sections 2 and 3 define the term "food" as herein used and also the term "adulteration."

Section 4 provides for furnishing samples of articles of food to persons purchasing the same—samples sufficient for analysis.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$25 to \$100 or imprisonment not exceeding three months, with payment of costs and expenses incurred.

NOTE.—New feature: The definition of adulterated food.

Disinterring of dead human bodies.—An act relating to disinterring, mutilating, dissecting, exposing, receiving, concealing, or otherwise intermeddling with dead human bodies, aiding and assisting in the doing of the same, declaring the same to be unlawful and a crime, defining the crime thereof, and providing for its punishment, and repealing sections 244 and 245 of chapter 23 of the Criminal Code of the State of Nebraska. (Chap. 100, p. 388.)

Sections 1 and 2 prohibit the disinterring of human bodies; also concealing or disposing of the same; also exposing or throwing away or abandoning any dead human body in any public place, or in any river, stream, pond, waterway, or reservoir.

Violation of provisions is declared a felony: Penalty, imprisonment at hard labor in the State penitentiary from one year to three years or fine of \$2,500, or both fine and imprisonment.

NOTE.—New feature: Concerning exposing or throwing away dead human bodies. Penalty of former law, fine from \$100 to \$500.

Sale of cigarettes to minors.—An act to prevent and suppress the use and sale of cigarettes or cigarette paper to minors under the age of 21, and to provide a penalty for the violation of the same. (Chapter 101, p. 389.)

Section 1 prohibits selling or giving away cigarettes or cigarette paper to minors under the age of 21 years.

Violation, a misdemeanor: Penalty, fine from \$100 to \$200 and costs. Failure to satisfy the judgment and costs rendered shall subject to arrest of person violating provisions and commitment to county jail until fine and costs are paid.

NOTE.—Chapter 105, 1885, forbade sale of cigarettes to minors under 16 years. Penalty for each offense, \$25.

Chapter 80, 1895 (ten years later) forbade sale and giving of cigarettes to minors under 21 years. Penalty, not less than \$10 nor more than \$50.

Ballots on constitutional amendments.—An act to recount the ballots cast on the constitutional amendment relating to the judges of supreme court and their term of office, on November 3, 1896, to compare said ballots, declare the result, and fix penalty for violation of the provisions of this act. (Chap. 109, Special Laws, p. 443.)

Sections of this act provide for the forwarding of ballots cast on constitutional amendments by the county clerks in the State of Nebraska and for the establishment of a board of canvassers to inspect and count said ballots. The duty of said board of canvassers is defined relative to making report and returning ballots to county clerks; also to preserving the integrity of said ballots.

Said board is prohibited from employing any assistance in making canvass or in discharging their duties.

Any county clerk in the State of Nebraska failing to transmit ballots, poll books, and abstracts as herein required shall be subject to fine from \$500 to \$1,000 and imprisonment in penitentiary not exceeding one year. Defacing, destroying, or otherwise unlawfully disposing of any ballots, poll books, or abstracts by county clerk shall subject to fine from \$500 to \$1,000 and imprisonment in penitentiary not exceeding three years; by any person other than a county clerk the fine shall be from \$500 to \$1,000 and imprisonment not exceeding two years.

National Guard (chap. 50, p. 278).—An act to establish a military code in the State of Nebraska and repealing chapter 50, session laws of 1887, approved March 31, 1887. The number of special penalties imposed is less than in many States.

Section 61 prohibits military reviews or parades on election day. Any officer ordering the same may be fined \$25 to \$100.

Sections 62 and 63 prohibit unauthorized armed bodies, with the exception of

benevolent or social organizations, wearing swords. Violation, fine to \$100 or imprisonment to six months.

School lands (chap. 71, p. 318).—Section 13 forbids waste or trespass upon such lands: Penalty, \$25 to \$1,000.

MUNICIPAL PENALTIES.

Metropolitan cities (chap. 10, p. 54).—An elaborate law incorporating metropolitan cities and defining their duties, powers, and government.

SEC. 26. Every member of the city council or of any committee thereof to whom any matter shall be referred shall report thereon within thirty days from the date of reference. Failure to do so, excepting on account of sickness, shall be regarded as neglect of duty: Penalty, a fine of \$50 for each day of neglect.

SEC. 66. No policeman shall be allowed fees as a witness in any criminal case tried in any court of this State.

Sections 68 and 69 declare no officer shall directly or indirectly be allowed any further compensation for his official services than is allowed herein. If any officer shall violate any of the foregoing provisions of this act, or if any member of the council shall vote for any further allowance to any officer whose salary is fixed by this act or to the members of the council, he shall be guilty of a misdemeanor: Penalty, fine not exceeding \$1,000 and imprisonment in county jail not exceeding one year, and removal from office.

Section 70 forbids officers or members of the council to have any interest in any contract for public work or to receive valuable consideration for their vote: Penalty, fine not exceeding \$1,000, imprisonment in county jail not exceeding six months, or both.

SEC. 78. The mayor and chief of police may call upon any citizen to aid in the enforcement of any ordinance or suppression of any riot. Any person neglecting to obey such call shall forfeit \$100.

SEC. 85. All fines, penalties, and forfeitures collected shall be paid to the city treasurer. Failure to do so within thirty days after the receipt of the same or within ten days after being requested by the mayor to do so a misdemeanor: Penalty, fine not exceeding \$1,000 and imprisonment not exceeding six months in county jail.

SEC. 137. Officers or agents of the city are prohibited from receiving or soliciting political favors from corporations: Penalty, \$500 and removal from office.

SEC. 175. The police judge shall have jurisdiction of all offenses against the ordinances of the city arising within the corporate limits or within 3 miles thereof and of misdemeanors under the law of the State within the limits of the city when the fine does not exceed \$100 or the imprisonment three months.

Government of certain cities (chap. 14, p. 139).—Amends various sections of the compiled statutes, chapter 13a, article 1, 1895, for the government of cities having more than 25,000 and less than 100,000 inhabitants.

SEC. 24. XXXVI authorizes imposition of fines for the breach of any ordinance, or confinement in the city prison, or to hard labor upon the streets.

XLIII requires halls, churches, places of amusement, etc., to be provided with ample means of exit and entries, and forbids the overcrowding of the same. Penalty, \$200.

LV. To regulate and protect cemeteries by fines and penalties not exceeding \$100.

LVI. To make ordinances for the general welfare, to enforce the same by penalties not exceeding \$100, together with the judgment of imprisonment until judgment and cost are paid.

Section 31 punishes violation of liquor laws by fine not more than \$200 for each offense, and may be committed to city jail until fines and costs are paid.

NEVADA.

1897.

Felony and misdemeanor defined.—A felony is a public offense punishable with death or by imprisonment in the State prison. (General Statutes 1885, 3903, sec. 3.)

Every other public offense is a misdemeanor. (3904, sec. 4.)

Restriction of glove contests.—An act to restrict and license glove contests or exhibitions between man and man and to repeal all other acts in conflict therewith. (Chap. 2, p. 11, approved January 29, 1897.)

Sections of this act deal with the procurement of a license by any male person over the age of 21 years for an exhibition in a public place for any contest or exhibition with gloves between man and man for a wager or reward, to be issued by the county sheriff, upon payment to him of the sum of \$1,000.

Physicians must certify to sound physical condition of contestants and the exhibition or contest shall be within an inclosure sufficient to exclude the view of the public not in attendance thereat, and no intoxicating liquors of any kind shall be sold or given away at or during the contest or exhibition as aforesaid upon the grounds or within the inclosure where said exhibition or contest is held, and no such exhibition or contest shall take place on Sunday.

Section 9 declares that any person or persons who shall participate in, conduct, or manage any glove contest or exhibition contrary to the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine from \$200 to \$1,000 or imprisonment not exceeding six months.

NOTE.—The General Statutes 1885, section 4667, reads:

"If two or more persons shall by agreement fight in a public place to the terror of the citizens of this State, the persons so offending shall be deemed guilty of an affray, and shall be severally fined in a sum not exceeding \$100, and imprisoned in the county jail for not more than one month."

Payment of poll tax.—An act to require the payment of poll tax by all legal voters under 60 years of age. (Chap. 6, p. 17, approved February 9, 1897.)

Section 1 declares that the name of no person under the age of 60 years shall be registered by any registry agent until such person shall exhibit a proper receipt for the poll tax required by law for the current year, and also for the preceding year when such person shall have been an inhabitant of the State of Nevada during the last six months of the preceding year.

Section 2 declares that no member of any political committee or association representing any political party, nor any candidate for any public office, shall, either directly or indirectly, pay the poll tax of any voter, nor give, advance, or loan money to pay the same.

Section 3 declares that no voter, either directly or indirectly, shall solicit the payment of his poll tax or the advancement or the loan of money with which to pay the same from any political committee or association, or from any member thereof, or from any candidate for any public office.

Violation of provisions of this act or failure to comply with the requirements thereof is declared a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from fifty days to six months, or both fine and imprisonment.

Sage cocks, hens, etc.—An act to amend section 3 of an act entitled an act for the preservation of wild game, and for the preservation of beaver and otter within the State of Nevada, and to repeal all other acts in relation thereto, approved February 27, 1893, as amended and approved March 2, 1895. (Chap. 11, p. 20, approved February 15, 1897.)

The amended section prohibits catching, killing, or destroying any sage cock, hen, or chicken within the State of Nevada during the close season herein defined, except in certain counties named, the close season for said counties being defined.

Violation a misdemeanor, and punished as hereinafter provided.

NOTE.—New features: Close season extended and counties excepted.

Preservation of fish.—An act to provide for the preservation of fish in the waters of the State of Nevada. (Chap. 53, p. 67, approved March 9, 1897.)

Sections 1 and 2 prohibit taking, catching, or killing any river trout or land-locked salmon in any of the streams or waters of the State of Nevada within the close season, as herein defined, the close season for lake trout being differently defined; also having in possession, buying, or selling any of said trout or salmon within the close season, or lake trout within its close season.

Section 3 prohibits catching or killing lake or brook trout, or landlocked salmon with any seine or net or explosive substance, or in any manner except by hook or line, provided that the taking of fish in private ponds constructed especially for raising fish by the owner is not prohibited.

Section 4 prohibits the shipment or transportation of any of the said fish caught or killed within the close season.

Section 5 prohibits taking any spawn or ova from any variety of trout, or from any river or other waters within the State, without a written permit from the fish commissioner of the State of Nevada.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$20 to \$100 or imprisonment not exceeding fifty days, or both fine and imprisonment.

NOTE.—New feature: Prohibition as set forth in section 5.

Former penalty, fine from \$20 to \$100, and in addition to costs, the sum of \$25 for damages.

Grazing of sheep.—An act to regulate the herding or grazing of sheep within a distance of 4 miles of the town of Austin, Lander County, Nev. (Chap. 16, p. 22, approved February 24, 1897.)

By this act persons or corporations are prohibited from owning, controlling, or having in their possession, charge, or care any sheep of a greater number than 50 head for herding or grazing on Government land within 4 miles of the town limits of Austin, Lander County, Nev.

Violation a misdemeanor: Penalty, fine from \$10 to \$100 or imprisonment from ten days to fifty days.

Adulteration of candy.—An act to prevent the adulteration of candy. (Chap. 18, p. 23, approved February 26, 1897.)

Section 1 prohibits the manufacture or sale of any candy that is adulterated by the admixture of mineral substances or poisonous colors or flavors, or ingredients injurious to health. Candy so adulterated shall be seized and destroyed.

Violation of any provision or requirement of this act subjects to fine from \$10 to \$100 or imprisonment from twenty-five to fifty days.

Damaging or obstructing telephone lines.—An act to define the rights and responsibilities of owners of telephone lines in the State of Nevada. (Chap. 23, p. 28, approved March 1, 1897.)

Section 1 declares that all persons or corporations owning telephone lines now in operation or who may hereafter construct and operate such lines in the State of Nevada shall be entitled to all the rights and privileges, and be subject to all the restrictions and responsibilities provided for in an act, which provides for constructing and maintaining telegraph lines in the State of Nevada, approved February 9, 1866.

Section 2 declares that any person who shall willfully or maliciously damage or destroy any telephone line, or in any manner interrupt communication over any telephone line, shall be liable for damages and criminal prosecution in the same manner and to the same extent as if the same were a telegraph line.

Obstructing electric plant, Austin.—An act to grant the right of way and to provide electric lights within the town of Austin, Lander County, State of Nevada. (Chap. 27, p. 30, approved March 1, 1897.)

Section 1 grants right to certain persons to construct and maintain an electric plant, for the purpose of supplying electric power and lights in said town of Austin, and to construct and maintain poles and wires in the streets of said town and upon the grade below town, together with all the necessary appurtenances, and to conduct electricity over said wires and appurtenances to any part of said town for the purpose of furnishing light or power. The owners of said plant are required to keep the same in good repair, so as not to interfere with the passage of persons or vehicles or the safety of any persons or property.

Willfully obstructing, hindering, or damaging said plant, or any of the appurtenances thereto, is declared a misdemeanor, punishable according to the laws of the State of Nevada in such cases made and provided.

Sale of cigarettes.—An act licensing the sale of cigarettes and cigarette paper, and other matters relating thereto. (Chap. 25, p. 29, approved March 1, 1897.)

Section 1 fixes the cost of license for the sale of cigarettes or cigarette paper at \$15 per quarter, which must be taken out by any person, firm, association, or corporation engaged in dealing, selling, giving away, or offering to sell cigarettes or cigarette paper.

Selling, giving away, or offering to sell cigarettes or cigarette paper to any person or persons under the age of 21 years is prohibited.

Violation a misdemeanor: Penalty, fine from \$100 to \$500 for each offense.

NOTE.—New features: First, cost of former quarterly license, \$150; second, former age at which sale was prohibited, 18 years; third, former penalty, act of March 7, 1889, fine from \$100 to \$500, or imprisonment from fifty days to six months, or both, with tax as costs of \$50.

Licensing peddlers.—An act to amend section 123 of an act entitled "An act to provide revenue for the support of the government of the State of Nevada, and to repeal certain acts relating thereto," approved March 23, 1891. (Chap. 29, p. 31, approved March 2, 1897.)

The amended section regulates the sum to be paid for licenses to hawk or peddle goods, either on foot or by use of wagon, provided that nothing in this section be so construed as to apply to the sale of fruits or agricultural products of this State or the State of Utah. Said license shall be issued by the county sheriff.

Any peddler or hawker offering goods for sale without a license is declared guilty of a misdemeanor: Penalty, fine from \$50 to \$500.

NOTE.—New features: Provision concerning State of Utah.

Mutual fire insurance companies.—An act to provide for the incorporation of mutual fire insurance companies and to define their powers and duties. (Chap. 37, p. 37, approved March 6, 1897.)

Sections of this act deal with the formation of mutual fire insurance companies, and regulate the business of such companies, declaring that an annual statement shall be deposited with the State comptroller exhibiting facts of membership, property, resources, claims for losses payable, premiums and losses paid, said statement to be filed in the office of the county clerk as herein provided.

If it shall appear to the comptroller that the losses and expenses of any company incorporated under this act, have during the year exceeded the cash premiums and assets collected to such an extent as to imply a doubt as to the solvency of such company and its ability to pay all its losses and other debts, he shall serve a notice upon the officers of such company, requiring them at the expiration of sixty days from the date of such notice to discontinue issuing policies and proceed to close up its business; unless within that time the directors of such company shall collect assessments and pay such losses and debts. Such company shall be held responsible for failure to comply with requirements, and in case the officers and directors of any company shall fail to perform the duties required of them by law or make or permit any false or imperfect statement to be made, they shall be declared guilty of felony.

Violation of any of the provisions of this act by director or officer of company shall be deemed a felony. Penalty, fine from \$500 to \$1,000, or imprisonment in State prison not exceeding one year, or both fine and imprisonment.

Provision is made for the State comptroller to examine into the affairs of any mutual insurance company organized under the provisions of this act, and to appoint receiver for said company if necessary. The duties of said receiver are herein defined.

NOTE.—Former penalty for neglect to file statement was fine of \$100 for each day's neglect, with cessation of authority to do business; for false statement fine was from \$500 to \$5,000, and oath to such false statement was held as perjury.

Nevada National Guard.—An act relating to the Nevada National Guard. (Chap. 51, p. 63, approved March 8, 1897.)

Section 1 declares it to be the duty of the board of county commissioners to provide a suitable and safe armory for companies of the National Guard organized within any county in which public arms, accouterments, or military stores are now had, or shall hereafter be in use for any company of said National Guard, the armory expenses to be paid out of the general fund of the county.

Section 2 declares that no company shall be entitled to receive public money for its support unless it shall meet for drill and instruction not less than one hour at least twice in each month, and shall practice at rifle firing twice in each month during five months in each year at such ranges and targets, number and rounds, under rules and regulations as may be prescribed by the commander in chief.

Section 3 declares that any person who shall wear or use, except when on military duty, or by special permission of his commanding officer any arm, equipments, uniform, or other article of military property belonging to the State, or the company of which he is a member, or who shall refuse or neglect to return to his commanding officer such military property within one day after notice to make said return, or who shall willfully injure or destroy any such State military property, refusing to make good the injury or loss, shall be declared guilty of a misdemeanor: Penalty, fine from \$10 to \$100 and costs, or imprisonment from five days to fifty days, or both fine and imprisonment.

NOTE.—Embraces former legislation with special new features relative to responsibility of member for equipments, and penalty imposed for misuse or injury of same.

Destruction of wild, unbranded horses.—An act authorizing the destruction of wild, unbranded horses, mares, and colts over the age of 12 months found running at large on Government range lands. (Chap. 54, p. 68, approved March 9, 1897.)

Section 1 declares it to be lawful for any citizen of the State of Nevada to kill any wild, unbranded horse, mare, or colt over the age of 12 months found running at large on any of the Government range lands in the State, provided that the person desiring to kill said animals shall first file with the county clerk a written application describing the range or ranges upon which he intends to kill horse, mare, or colt. The board of county commissioners shall have power to grant or refuse such application as the circumstances may warrant.

Violation of provisions of this act is declared a misdemeanor: Penalty, fine from \$20 to \$60, or imprisonment not exceeding thirty days, or both fine and imprisonment.

NOTE.—Provision as to filing with county clerk written application, etc., new, and penalty new.

Election of school trustees.—An act to provide for the election of school trustees and matters properly connected therewith. (Chap. 88, p. 100, approved March 16, 1897.)

Sections of this act provide for and regulate the election of school trustees in each school district in the State of Nevada.

Section 15 declares that no person other than the board of election or a police officer in the discharge of his duty shall be allowed within 100 feet of the polls except when actually engaged in voting or in going to or from the polls for the purpose of voting or of challenging the vote of another, and excepting all persons in attendance upon any school which may be in session in the building. Also that no person shall show his ballot to another while marking it or after marking it, so as to disclose for whom he has voted.

Willful violation of any of the provisions of above section shall constitute a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding twenty-five days, or both fine and imprisonment.

Illegal voting under the provisions of this act shall be punished the same as the law now provides for punishing offenses of this character.

NOTE.—Provisions as to voting substantially the same as in the general law of election. (See chap. 11, sec. 30, 1891.)

Former penalty for violation of provisions of section 15, as above stated, was fine from \$50 to \$500, or imprisonment from one month to six months.

Municipal penalties—Town of Reno.—An act to incorporate the town of Reno. (Chap. 48, p. 50, approved March 8, 1897.)

Section 17, paragraph 13, provides that the council may fix the punishment for the breach of any city ordinance. But no fine shall be imposed greater than \$500, nor imprisonment exceeding six months. "But in case of imprisonment any person committed for punishment after conviction may be made to work during the term of such imprisonment on any public works of the city. And the city marshal may use any lawful means to prevent the escape of such prisoners while at work, or while going to or returning from such labor."

Section 32 forbids officers of the city government from being interested in contracts of public work or supplies. Violation, misdemeanor, and punished as such; also removal from office.

Bond surety corporations (chap. 50, p. 61, approved March 8, 1897).—Authorizes the formation of corporations for the purpose of transacting business as sureties on all bonds and undertakings required by law.

Certificates of incorporation to be submitted to the attorney-general.

SEC. 3. Every person before becoming an officer or stockholder is required to take an oath that he is a resident and freeholder or householder within the State, and is worth double the par value of stock subscribed by him in said company over and above all his debts and liabilities in property situated within this State. Violation a misdemeanor: Penalty, shall forfeit his stock in such corporation and be fined from \$1 to \$500, or by imprisonment in the county jail from one to six months, or by both.

County officers (chap. 63, p. 78, approved March 10).—Regulates the compensation of county officers in Churchill County and other matters relating thereto.

SEC. 4. Willful neglect or refusal to comply with any provisions of this act any officer shall be subject to a fine not exceeding \$1,000, to forfeit his office, and to imprisonment in the State prison not exceeding one year.

Settlement of estates (chap. 106, p. 119, approved March 23, 1897).—An act to regulate the settlement of the estates of deceased persons.

SEC. 2. Any person having any will in his possession shall, within ten days after knowledge of the death of the person who executes such will, deliver it to the district court that has jurisdiction of the case or to the person named in such will to execute it.

SEC. 9. Any person having possession of a will and refusing to produce it in obedience to such order may, by warrant from the court, be committed to the jail of the county and be kept in close confinement until such person produces the will.

Section 98 provides that persons suspected of having concealed, conveyed away, or disposed of any effects of the deceased may be summoned to appear before the district court, and if the person so cited shall refuse to appear and submit to such examination the court may commit such person to the county jail, there to remain confined until he or she shall obey the order of the court or be discharged according to law; and if it shall appear on examination that such person has concealed, converted to his own use, or unlawfully disposed of moneys, goods, or chattels, of the deceased, or that he has in his possession deeds, bonds, contracts, or other writings which contain evidence of, or tend to disclose the right, title, interest, or claim of the

deceased to any real or personal estate the district court may make an order requiring such person to deliver any such property or effects to the executor or administrator. The court may commit such person to the county jail until such order shall be complied with.

Census marshals.—An act relating to the duties of census marshals. (Chap. 102, p. 115, approved March 22, 1897.)

Section 1 declares it to be the duty of the school-census marshals in the various school districts of the State not to include in their enumeration of children between the ages of 6 and 18 years any Indian children not attending public school.

Section 2 declares it to be the duty of the superintendent of public instruction and the various county superintendents to cause the arrest and prosecution of any person who shall violate the provisions of this act. Such violation shall be punished by fine from \$20 to \$300, or imprisonment from ten days to sixty days, or by both fine and imprisonment.

NOTE.—March 5, 1885, an act was passed calling attention to the fact that there were between the ages of 6 and 16 700 Indian youths in the State without educational advantages. In view of the fact an appropriation of \$10,000 for a school building was passed and a further appropriation of \$1,750 annually for each 100 children in attendance in school.

Two years later, January 25, 1887, "the faith of the State of Nevada was pledged in indorsement of bonds issued by Ormsby County in the sum of \$10,000, bearing interest at 6 per cent per annum, for sustaining an Indian school for training and educating Indian children."

NEW HAMPSHIRE.

1897.

Felony and misdemeanor.—The Public Statutes, 1891, do not contain any definition of felony or misdemeanor, excepting in the glossary, preceding the index, where the term is thus treated:

"Felony: A crime which occasions the forfeiture of lands or goods, or both, and for which a capital or other punishment may be inflicted, according to the degree of guilt.—Bouvier.

"In the United States forfeiture as a consequence of crime being generally abolished, the word felony has lost its original and characteristic meaning, and is rather used to denote any high crime that is punishable by death or imprisonment.—Burrill."

NOTE.—The constitution of New Hampshire, article 18, reads: "All penalties ought to be proportioned to the nature of the offense, * * * the true design of all punishments being to reform."

Regulating issue of stocks and bonds.—An act relating to the issue of stocks and bonds by railroad corporations. (Chap. 19, p. 19, approved February 17, 1897.)

Sections of this act provide for increasing the stocks and bonds of railroad corporations for such necessary and lawful purposes as are herein enumerated, and determine the amount of such increase, restricting its use to the purposes set forth in petition to the board of railroad commissioners. The issue of such increased stock is regulated.

Violation of the provisions of this act subjects to fine not exceeding \$1,000, or imprisonment not exceeding one year, or both fine and imprisonment.

Cruelty to animals.—An act in amendment of chapter 267 of the Public Statutes, relating to cruelty to animals. (Chap. 22, p. 21, approved February 23, 1897.)

The amended sections of the chapter named in act declare that whenever an officer makes an arrest for cruelty to any animal he may take into his possession the animal which is the subject of such cruelty, and if the owner has no knowledge of such taking, he shall give him notice forthwith. The person taking possession of such animal shall have a lien thereon for his proper charges, or he may recover such charges of the owner of the animal by an action of court. Also, whenever an officer shall take any such animal into his possession, which appears by reason of age, injury, or other cause to be disabled for use, said officer shall have such animal examined, and if found to be disabled shall at once cause such animal to be killed.

Advancement of anatomical and surgical science.—An act in amendment of chapter 136 of the Public Statutes relating to the advancement of anatomical and surgical science. (Chap. 28, p. 25, approved February 23, 1897.)

The amended sections of the chapter named in act declare that upon written request of physician or surgeon of the State of New Hampshire, preference being given to instructors in medical schools, the body of any person requiring to be buried at the

public expense may be used within the State for the advancement of anatomical and medical science, provided that said body is not claimed by kindred within thirty-six hours after death and taken away for burial, nor if such deceased person was a stranger or traveler who died suddenly, in which case the said body shall be buried.

Violation of the provisions of this act by neglect, refusal, or omission to perform duties as herein imposed shall be punished by a fine from \$100 to \$500 for each offense.

NOTE.—Formerly body was surrendered if not claimed within twenty-four hours after death.

Protection of women and girls.—An act in amendment of section 15, chapter 278, of the Public Statutes, relating to homicide and offenses against the person. (Chap. 35, p. 30, approved February 25, 1897.)

The section named in act is so amended as to read: "If any person shall ravish and carnally know any woman, committing carnal copulation with her by force, against her will, or any man shall unlawfully and carnally know and abuse any woman child under the age of 16 years, he shall be imprisoned not exceeding thirty years."¹

NOTE.—Formerly the age of protection was 13 years.

Itinerant venders.—An act relating to itinerant venders. (Chap. 46, p. 38, approved March 4, 1897.)

Section 1 defines the term "itinerant venders" for purposes of this act.

Sections 2 to 6 provide for licensing itinerant venders desiring to do business in the State of New Hampshire, and regulate the obtaining of both State and local license therefor.

Sections 6 and 7 place restrictions on the advertisements of itinerant venders, and no advertisement of sale by an itinerant vender shall be permitted before State and local licenses for such sale have been procured.

Section 8 declares that whoever neglects or refuses to file application for said license, or makes a false or fraudulent representation or statement in such application, shall be subject to fine from \$20 to \$50 for each day that goods are so kept, offered, or exposed for sale.

Section 9 declares that whoever violates any of the provisions of this act for which a penalty is not provided in section 8 shall be subject to fine of \$50, or imprisoned not exceeding sixty days, or both.

NOTE.—Former penalty for violation of act affecting itinerant venders was fine not exceeding \$200.

Parks and pleasure grounds.—An act regulating the maintenance of parks or pleasure grounds by railroads and street railways. (Chap. 51, p. 44, approved March 10, 1897.)

Section 1 declares that with the consent of the railroad commissioners railroads and street railways may acquire and hold land for park or pleasure grounds.

Section 2 provides for charge of admission fee to said parks or pleasure grounds, and for prescribing suitable rules and regulations for the conduct and government thereof.

Violation of any of the rules and regulations established for the government of any railroad and street railway park or place of resort, established in accordance herewith, is declared a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days, or both fine and imprisonment.

Protection of burial places.—An act for the protection of the burial places of the dead against trespass by stock. (Chap. 59, p. 50, approved March 16, 1897.)

Section 1 declares it to be the duty of the selectmen of towns to provide and maintain fences around public burial places at the expense of the town.

Section 3 declares that if any stock is found trespassing upon such burial places the owner thereof shall be subject to pay a fine from \$5 to \$50.

NOTE.—Former penalty was fine not exceeding \$20, or imprisonment not exceeding thirty days, or both.

Registration of physicians and surgeons.—An act to regulate the licensing and registration of physicians and surgeons. (Chap. 63, p. 52, approved March 16, 1897.)

Section 1 prohibits the practice of medicine and surgery within the State of New Hampshire unless physician or surgeon be previously registered and authorized, or licensed and registered as herein required.

Section 2 provides for the appointment of boards of medical examiners whose duties are defined relative to the examination of candidates desiring to practice medicine or surgery in order to obtain license so to do; and the issuing of licenses is regulated.

Section 12 declares that any person who, not being lawfully authorized to practice medicine in the State of New Hampshire and so registered according to law, shall hold himself out to the public as a physician and surgeon, or advertise as such without lawful registration or in violation of any provision of this chapter, or who shall fraudulently obtain any medical diploma, license, record, or registration, or who shall fraudulently append the letters "M. D." to his or her name, or in any way assume the practice of medicine illegally, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment for three months for first offense; for any subsequent offense fine not exceeding \$250, or imprisonment not less than six months, or both fine and imprisonment.

Fishing and bathing: Round Pond.—An act to prohibit fishing and bathing in Round Pond. (Chap. 66, p. 59, approved March 18, 1897.)

Section 1 prohibits bathing and fishing in Round Pond, in the town of Barrington, used by the city of Rochester as a source of water supply for domestic purposes. Violation subjects to fine not exceeding \$20.

Fishing and bathing: Gilman Pond.—An act to prohibit fishing and bathing in Gilman Pond. (Chap. 79, p. 77, approved March 24, 1897.)

Section 1 prohibits bathing and fishing in Gilman Pond, in the town of Unity, used by the village of Newport as a source of water supply for domestic purposes. Violation subjects to fine not exceeding \$20.

Hawkers and peddlers.—An act in relation to hawkers and peddlers. (Chap. 76, p. 65, approved March 23, 1897.)

Sections of this act prohibit doing any business as a hawker or peddler without license, sales of provisions, agricultural implements, fruit trees and ornamental trees, vines, shrubs, books, newspapers, pamphlets, etc., being exempted, and provide for the procuring of said license under certain regulations and restrictions.

Section 8 declares that whoever goes from town to town, or from place to place in the same town, carrying for sale or exposing for sale any goods, wares, or merchandise contrary to the provisions of this chapter, shall be punished by a fine not exceeding \$200 or imprisonment not exceeding six months, or both.

Section 9 exempts disabled soldiers and sailors from paying the license fees required by this act.

NOTE.—Former penalty: Fine not exceeding \$200. The new features concern license.

Caucuses and elections.—An act in amendment of the Public Statutes relating to the manner of conducting caucuses and elections. (Chap. 78, p. 68, approved March 24, 1897.)

Section 1 stipulates the kind of elections to which this act shall apply and defines the term "caucus" and "convention."

Following sections deal with and regulate caucuses, conventions, nominations, ballots, printing of same, and manner of casting ballots and counting the same, election officers and inspectors.

Section 20 declares that it shall be a misdemeanor for any person engaged in preparing or printing the official ballot to purloin, or give away, or allow to be removed any of such ballots. A voter shall not allow his ballot to be seen or examined by any person except as prescribed in this act; nor shall any person interfere with any voter when such voter is within the inclosed space, or attempt in any manner to influence or change his vote. No person shall destroy any certificate of nomination or nomination paper, or sign any such certificate or nomination paper, or sign the name of any other person to the certificate or nomination paper, except as provided in this act. Whoever willfully violates any of the provisions of this section shall be subject to fine not exceeding \$500 or imprisonment not exceeding six months.

NOTE.—Above act embraces former legislation with new features. Former penalty for purloining or giving away ballots was fine not exceeding \$1,000 or imprisonment not exceeding one year, or both. For violating other provisions of section 20, fine not exceeding \$500.

Cutting ice.—An act in relation to the taking of ice. (Chap. 85, p. 82, approved March 25, 1897.)

Sections 1 and 2 of this act declare it to be the duty of the boards of health of the cities and towns of the State of New Hampshire to examine and inspect the sources of domestic ice supply, and if the waters are found polluted said boards shall give notice of danger, and the taking of ice therefrom must cease.

Section 3 declares that whoever knowingly or willfully shall cut or take any ice for domestic purposes from any waters which are polluted with sewage or other substance deleterious or dangerous to life or health, or from waters which a board of

health has condemned, shall be fined not exceeding \$250 or imprisoned not exceeding six months.

NOTE.—Supplemented to chapter 76, 1895. "An act to protect waters used for domestic purposes," in which act the penalty for polluting water be used as a source of ice supply is fine not more than \$1,000 or imprisonment not more than one year.

Polluting water supply.—An act to incorporate the Colebrook Water Company. (Chap. 155, p. 148, approved February 23, 1897.)

Sections of this act constitute the corporation to be known as the Colebrook Water Company, for the purpose of furnishing to the people of the town of Colebrook a supply of pure water for domestic, mechanical, and manufacturing purposes, and for the extinguishment of fires and other public uses, and regulate the business of said corporation relative to its capital stock; rights to hold and mortgage property; rights of eminent domain and rights in highways; assessment of damages and making of contracts.

Section 7 declares that any person who shall willfully and maliciously corrupt the waters of any of the sources of supply or reservoirs of said company, or shall willfully injure any dam, reservoir, conduit, pipe, hydrant, or other property held, owned, or used by said company, for the purposes of this act, shall be punished by fine not exceeding \$500 or imprisonment not exceeding one year.

NOTE.—Former penalty for corrupting water used for domestic purposes was fine not exceeding \$1,000 or imprisonment not exceeding one year.

Provisions of this act similar to other granting charters to water companies.

Regulating use of bicycles, etc.—An act to regulate the use of bicycles and similar vehicles. (Chap. 93, p. 89, approved March 26, 1897.)

Section 1 prohibits riding bicycles or tricycles on a sidewalk or in the streets, squares, or parks of any city or town without bell, or at more than 10 miles an hour; children under 12 exempted. Violation subjects to fine not exceeding \$10 and liability for damages.

Section 2 defines the terms "sidewalk," "bicycle," "tricycle," "park," "square," for purposes of this act.

Protection of bicycles.—An act in relation to the proper care of highways, streets, and public places. (Chap. 61, p. 51, approved March 16, 1897.)

Section 1 prohibits putting or placing in or upon any highway, street, or public place in any city or town in the State of New Hampshire, any ashes, glass, crockery, scrap iron, nails, tacks, or any other articles which would be liable to injure the feet of children or animals or the tires of bicycles or other vehicles which have wheels with rubber or pneumatic tires.

Violation subjects to fine not exceeding \$20 for each offense.

GAME LAWS.

Limiting lines when fishing through the ice.—An act limiting the number of lines to be used when fishing through the ice. (Chap. 54, p. 46, approved March 11, 1897.)

Section 1 declares that it shall be unlawful for any person to use or have in use, except in tide waters within the State of New Hampshire, more than five lines, with one single hook on each line, when fishing through the ice.

Violation of the provisions of this act subjects to fine of \$2 for each and every line in excess of number mentioned.

Fur-bearing animals.—An act in relation to the taking of fur-bearing animals. (Chap. 50, p. 43, approved March 10, 1897.)

Section 1 prohibits setting or arranging any trap upon land not owned or occupied by person setting.

Violation subjects to fine not exceeding \$25 or imprisonment not exceeding sixty days, or both.

Trout.—An act for the better protection of brook or speckled trout and lake trout. (Chap. 41, p. 35, approved March 3, 1897.)

Section 1 prohibits fishing for brook or speckled trout or for lake trout in certain lakes in the State of New Hampshire with intent to sell or trade the fish so caught, under penalty of fine not less than \$200, or imprisonment from thirty days to six months, or both.

Killing of beaver.—An act prohibiting the killing of beaver in New Hampshire until January 1, 1909. (Chap. 34, p. 30, approved February 25, 1897.)

Section 1 prohibits taking, catching, killing, or having in possession any beaver in the State of New Hampshire until January 1, 1909.

Violation subjects to fine of \$50 for each beaver so taken, caught, killed, or had in possession.

Pleasant Pond.—An act to prohibit fishing for land-locked salmon, brook trout, or aureolus from Pleasant Pond, in the town of New London. (Chap. 33, p. 29, approved February 25, 1897.)

Section 1 prohibits taking the fish named in act from Pleasant Pond or its tributaries for a term of six years.

Violation subjects to fine of \$20 for each salmon, trout, or aureolus so caught, killed, or taken.

Fishing through the ice.—An act to prohibit the taking of fish through the ice from the waters of Webster Lake and other specified lakes, ponds, and streams in the State. (Chap. 30, p. 27, approved February 24, 1897.)

Section 1 prohibits fishing through the ice in certain waters in the State of New Hampshire, as herein named, for a period of five years.

Violation subjects to fine of \$10 for each offense, or imprisonment not exceeding thirty days, or both.

Small fish, Smiths Pond.—An act to prohibit fishing in the tributaries of Lake Wentworth, otherwise called Smiths Pond, in Wolfboro, or the taking of any small fish for bait from the waters of said lake for the term of five years. (Chap. 25, p. 23, approved February 23, 1897.)

Section 1 prohibits taking of small fish for bait in lake named in act for a period of five years.

Violation subjects to fine of \$10 for each offense or imprisonment not exceeding thirty days, or both.

Game birds.—An act protecting certain game birds. (Chap. 1, p. 5, approved January 26, 1897.)

Section 1 prohibits taking or destroying pheasant, black game, sharp-tailed grouse, or capercailzie, or molesting or removing from the nest any of the eggs of said birds before September 15, 1901, under penalty of fine of \$20 or imprisonment not exceeding sixty days, or both, for each offense.

Section 2 prohibits taking or destroying any of the above-named birds within the close season herein defined, or at any time, in any other manner, or by any other means than by the use of firearms, under penalty of fine of \$20 or imprisonment not exceeding sixty days, or both, for each offense.

Fish and game.—An act amending certain of the Public Statutes relating to fish and game. (Chap. 5, p. 8, approved February 9, 1897.)

The sections herein amended prohibit the killing or destruction of any moose, caribou, or wild deer within the close season as herein defined, or hunting or killing said animals at any time with dogs, under penalty of fine of \$50 or imprisonment for six months for every animal so killed or destroyed.

Also taking or killing any gray squirrel or raccoon within the close season, or any hares, rabbits, or muskrats, under penalty of fine of \$5 for each animal so taken or killed, or imprisonment not exceeding thirty days, or both.

It is further prohibited to take or destroy any plover, yellowlegs, sandpiper, duck (except sheldrake), or rail, or to take or destroy any woodcock, ruffed grouse, partridge, or quail within the close seasons for such game birds; selling or having in possession any of the above-named birds within the close season subjects to fine of \$10 for each bird so taken or destroyed, bought, sold, or had in possession, or imprisonment not exceeding sixty days, or both.

Taking, killing, or having in possession certain fish as herein mentioned within the close season as defined is prohibited under penalty of fine of \$50 for each fish so taken or had in possession, or imprisonment not exceeding six months, or both.

Moose, caribou, and deer.—An act protecting moose, caribou, and deer, and providing for the disposition of fish and game captured or taken from persons who have illegally taken the same. (Chap. 10, p. 12, approved February 16, 1897.)

Section 1 prohibits the taking of moose or caribou within the State of New Hampshire prior to September 15, 1901; also the taking of wild deer except in certain districts of the State herein named, under penalty of fine of \$100 or imprisonment not exceeding three months, or both, for each offense. Capturing or destroying any deer by the use of a jack, so called, or by trapping or snaring the same, shall be punished by a fine of \$50 or imprisonment not exceeding sixty days, or both, for each animal so captured or destroyed.

Section 2 provides for the confiscation of all fish and game illegally taken.

NEW JERSEY.

1897-1898.

Pollution of water.—An act to prevent the willful pollution of the waters of the Passaic River and of the tributaries thereof above the great falls of the Passaic River at Paterson. (Chap. 35, p. 99, approved March 24, 1897.)

Section 1 prohibits the pollution of the Passaic River or any of the tributaries thereof above the great falls of the Passaic River at Paterson by dead animal carcasses, offal, sewage, or any offensive matter.

Section 2 prohibits the maintenance of any building the drainage from which might pollute the above-named water.

Violation subjects to fine of \$20 for each offense.

Section 4 empowers the justice of peace to issue process for violation, who shall give hearing and judgment. Refusal or neglect to pay the amount of judgment rendered and costs shall subject to imprisonment in county jail not exceeding thirty days.

NOTE.—The above act is restricted in its operation to the Passaic River above Paterson.

Section 1 repeats largely section 311, page 1107, of the General Statutes, which carries a penalty of fine not exceeding \$1,000, or imprisonment not exceeding two years.

Section 2 is virtually covered by section 322, page 1109, of General Statutes, which carries penalty of fine not exceeding \$100, or imprisonment not exceeding thirty days, or both.

Intoxicating liquors.—A further supplement to the act entitled an act for the punishment of crimes, approved March 27, 1874. (Chap. 67, p. 145, approved March 31, 1897.)

Section 1 prohibits the sale of intoxicating liquors from any wagon, sleigh, or vehicle within 2 miles of any incorporated camp-meeting association: *Provided*, That it shall be lawful for any person having a license to sell intoxicating liquors to deliver the same from a wagon, sleigh, or vehicle on orders signed by the person desiring said liquors, and specifying the quantity desired and the place where the same shall be delivered.

Violation a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment in county jail not exceeding five months, or both.

NOTE.—New feature: Application of the general law referred to "within two miles of any incorporated camp-meeting association," with enlarged penalty.

Trespassing with horses and hounds.—An act to prohibit trespassing with horses and hounds. (Chap. 77, p. 154, approved April 3, 1897.)

By this act persons are prohibited from running hounds and horses across the lands of another without consent of owner.

Violation a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment not exceeding ten days, or both.

NOTE.—General law of trespass forbids any person to enter land not his own under penalty of fine of \$3 and costs. (See General Statutes, 3682, sec. 1.)

Adulteration of food or drugs.—A supplement to the act entitled an act to prevent the adulteration of food or drugs, approved March 25, 1881. (Chap. 93, p. 182, approved April 8, 1897.)

As amended, provision is made for dealers in food and drugs to supply inspector with sample upon application and payment, said sample to be divided by inspector for the purpose of proof in prosecution; one-half of the sample being delivered to the person selling, and sealed with a statement in writing of the cause of the sample having been taken.

Violation subjects to fine of \$50 for the first offense, and not exceeding \$100 for second and subsequent offenses.

NOTE.—New feature: Concerning division of sample.

Dangerous diseases.—An act to prevent the introduction of dangerous, infectious, epidemic, and pestilential diseases into the State of New Jersey, and to improve the present system of maritime quarantine. (Chap. 107, p. 195, approved April 9, 1897.)

Section 1 prohibits landing at any wharf in the State of New Jersey persons or cargo from vessels infected by any contagious disease without permit from proper authorities.

Other sections deal with quarantine regulations authorized by the State board of health of the State of New Jersey.

Any person or persons who shall violate any of the provisions contained in any

rule or regulation made by the said State board of health shall be punished by a fine of \$250, or imprisonment not exceeding six months, or by both fine and imprisonment.

SEC. 6a. Any person or persons who shall obstruct any duly authorized health officer in the enforcement of any of the provisions of this act, or who shall violate any of the provisions herein prescribed, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$3,000, or imprisonment in State prison not exceeding one year, or both fine and imprisonment.

Inclosed platforms for street cars.—An act for the better regulation of the operation of street railways or railroads, or other railroads operated as street railways. (Chap. 190, p. 373, approved May 11, 1897.)

Section 1 declares it unlawful for any company operating a street railway or railroad by means of electric motors to use its cars, motors, or vehicles between November 1 and April 1 of the following year unless constructed with inclosed or vestibule platforms, provided with proper glazed sashes at the ends of the car and with open doorways at the sides, under penalty of fine of \$25 with costs for each day or part of day that cars are so run.

Unlawfully obtaining electric power.—An act to punish persons who unlawfully obtain electric power. (Chap. 198, p. 415, approved May 18, 1897.)

Section 1 prohibits obtaining electric current without permission.

Violation, a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment at hard labor not exceeding six months, or both.

Employment of honorably discharged soldiers (chap. 65, p. 142, approved March 31, 1897).—Relates to the employment of honorably discharged Union soldiers, sailors, and marines in the public service of the State of New Jersey. Provides that such honorably discharged soldiers and sailors shall be preferred for appointment, employment, and promotion in every public department, and also in noncompetitive examinations under the civil-service rules. And they shall not be removed except for incompetency or misconduct. A refusal to allow such preference, or a reduction of his compensation intended to bring about his resignation or his removal by abolishing the office which he holds for the purpose of affecting his dismissal, shall be deemed a misdemeanor. The act does not apply to private secretaries, or deputies of an official or department, or to strictly confidential positions.

Roads (chap. 165, p. 333, approved April 26, 1897).—Gives to the boards of chosen freeholders in any county power to regulate by ordinance the use of said roads and to enforce obedience by the imposition of fines not exceeding \$50 for each offense, and with costs to be sued for and recovered by the clerk of said board.

Free transportation of bicycles.—An act respecting railroads. (Chap. 162, p. 330, approved April 26, 1897.)

Section 1 declares that any person who shall have purchased a ticket issued by any railroad corporation may carry a bicycle free in lieu of other baggage.

Any railroad corporation refusing to transport bicycles, or refusing to accept the same for transportation of baggage, shall forfeit and pay to passenger the sum of \$10 for each and every offense.

Regulation of bicycles, etc.—An act providing for the procedure under ordinance for the regulation of bicycles, tricycles, and similar vehicles. (Chap. 47, p. 71, approved March 14, 1898.)

Section 1 declares that any person who shall hereafter be arrested, charged with the violation of any ordinance providing for the regulation and the use of bicycles, tricycles, and similar vehicles on the public streets, shall have the right, in lieu of giving bonds, to deposit and leave as security, with the magistrate or authority causing such arrest to be made, their bicycle or other vehicle, provided that oath is made to the ownership of such bicycle or other vehicle; and any person or persons who shall make false oath as to such ownership shall be liable to the penalties now provided by law for perjury.

NOTE.—In the State of New Jersey are fined not exceeding \$800, or imprisonment at hard labor not exceeding seven years, or both, and incapacitated from giving testimony in any court.

Registration of labels, trade-marks, etc.—An act to provide for the registration of labels, trade-marks, terms, and designs, and protect and secure the rights, property, and interest therein of the persons, associations, organizations, and corporations adopting and filing the same. (Chap. 50, p. 83, approved March 15, 1898.)

Sections of this act provide for filing for registry in the office of the secretary of state any label, trade-mark, term, or design that has been used or is intended to be used for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or products of labor that have been manufactured, produced,

prepared, packed, or put on sale, which shall secure all rights to labels by persons entitled to the same.

The duty of the secretary of state relative to the registration of labels and trademarks is defined.

Imitating or counterfeiting labels and trade-marks is declared unlawful; also the unauthorized use of labels and trade-marks, although permission to use labels may be given.

The court of chancery is declared to have full jurisdiction in all cases under this act and may enjoin the manufacture and sale of any counterfeit or imitation of any label, trade-mark, term, or design belonging to any person, association, organization, or corporation. Said court may also award damages to complainants.

Violation of the provisions of this act shall subject to penalty of fine from \$200 to \$500.

NOTE.—Former penalty for use of unauthorized labels was fine of \$200, or imprisonment not exceeding one year, or both.

Former penalty for violation of provisions was fine from \$100 to \$500, or imprisonment as above, or both fine and imprisonment.

Protection against fire in places of amusement.—An act to regulate theaters and places of public amusement in cities of this State. (Chap. 57, p. 99, approved March 15, 1898.)

Section 1 provides for the protection by globes or glass coverings of all lights used in theaters and other places of public amusement, and for means of communicating with police and fire departments, and extinguishing fires, declaring that no obstruction, or any article or thing whatever, shall be placed in any aisle or passageway in any such theater or other place of public amusement.

Section 2 provides for detailing firemen at certain public amusement places and defines the duty of such detail.

Section 3 declares that any person or corporation who shall willfully violate, or neglect, or refuse to comply with any provision or requirement of this act shall forfeit and pay to the city in which such offense shall be committed a fine from \$50 to \$200.

Regulating the practice of dentistry.—An act to regulate the practice of dentistry in the State of New Jersey and to repeal certain acts now relating to the same. (Chap. 74, p. 119, approved March 17, 1898.)

Section 1 declares that only those persons who are now duly licensed and registered as dentists pursuant to law, and those who may hereafter be duly licensed and registered as dentists pursuant to the provisions of this act shall be deemed licensed to practice dentistry in the State of New Jersey.

Sections 2 to 10 deal with the State board of registration and examination in dentistry; with the examination of candidates for license to practice dentistry by said board; with the issuing of said licenses, and define and restrict the practice of dentistry by individuals and companies.

Failure to comply with regulations concerning annual registration and duty of practicing dentists to show by what license or authority they practice subjects to fine of \$10 and costs.

False statement concerning registration or authority by which dentists practice subjects to fine of \$50 and costs.

Practicing dentistry without a license is declared a misdemeanor: Penalty, fine not exceeding \$50 for first offense; for subsequent offense, fine not less than \$100, or imprisonment not less than two months, or both fine and imprisonment.

NOTE.—Formerly the penalty was fine of \$300 for each offense.

Failure to comply with provisions contained in sections 9, 10, and 11 of this act is declared a misdemeanor: Penalty, fine not less than \$500, or imprisonment not less than six months, or both fine and imprisonment.

Selling a diploma, conferring any dental degree, or any certificate made pursuant to the laws regulating the license and registration of dentists, or purchasing such diploma, or fraudulently altering such diploma, or using diploma improperly issued, or using false or assumed name in the practice of dentistry, or illegally assuming the degree of D. D. S. or D. M. D., or making any false statement in a material regard is declared a high misdemeanor: Penalty, fine not exceeding \$500, or imprisonment at hard labor from six months to five years, or both.

NOTE.—Formerly the penalty was fine of \$300 for each offense.

Regulating pilots.—An act to amend an act entitled "A further supplement to the act entitled 'An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy by way of Sandy Hook,'" approved February 16, 1855. (Chap. 86, p. 138, approved March 21, 1898.)

As amended, the section declares that any person not holding a license as pilot under the laws of the State of New Jersey, or under the laws of the State of New York, who shall pilot or offer to pilot any ship or vessel, or any master or person on board a steam tug or towboat who shall tow such vessel or vessels without such licensed pilot on board, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment not exceeding sixty days, with forfeiture of the sum of \$100, to be paid to the pilots suing therefor.

Scavengers.—An act empowering boards of health in any incorporated municipality in this State to pass and enforce ordinances regulating scavengers. (Chap. 102, p. 164, approved March 24, 1898.)

Section 1 declares that in all incorporated municipalities of the State of New Jersey the boards of health shall pass and enforce ordinances for the purpose of regulating the business of emptying privy vaults, sinks, and cesspools in such municipalities.

Violation of any of the provisions of such ordinances subjects to fine not exceeding \$50.

Inspection of nurseries.—An act to prevent the introduction into and the spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State entomologist, to authorize inspection of nurseries, and to provide for certificates of inspection. (Chap. 104, p. 166, approved March 24, 1898.)

Section 1 declares that all gardeners, horticulturists, farmers, nurserymen, and other growers of or dealers in plants or fruits of any kind upon their own or upon leased lands or premises shall free and keep freed all plants from injurious insects.

Provision is made for the appointment of commissioners by the State board of agriculture, whose duties, with that of the State entomologist, are defined, relative to adopting measures to prevent the spread of injurious insects in case of plants becoming infested.

Any person failing to obey the order of the State entomologist to destroy infested plants shall be subject to fine of \$25 and costs.

Sec. 9. Any nurseryman or grower of plants for sale in the State of New Jersey may require the State entomologist to examine or have examined the nursery stock grown by him or them, to ascertain whether or not injurious insects liable to spread on such stock occur thereon; and in case no injurious insects are discovered, such nurseryman or grower of plants for sale may demand a certificate that an inspection has been made and that no injurious insects have been discovered. Fraudulent use of such certificate, a misdemeanor: Penalty, fine of \$100.

Sec. 10. Any nurseryman or grower of plants shipping the same into the State of New Jersey shall attach to each box or parcel containing the same a certificate setting forth that said plants have been properly inspected or examined not more than six months before shipment, and have been found free from San José scale or other dangerous insects. Any such box or parcel found at any station or warehouse in this State without such certificate may be detained by any commissioner, or by the State entomologist or his deputy, until the same can be examined. In case the contents are found infested by San José scale or other dangerous insects the same may be destroyed or reshipped to the original shipper.

Marriage licenses.—An act concerning marriage licenses. (Chap. 193, p. 378, approved May 18, 1897.)

Sec. 1. When both parties to a marriage are nonresidents of the State of New Jersey a license, which is herein prescribed, must be procured.

Sec. 5. Before any county clerk shall issue any marriage license he shall demand of the party applying therefor, under oath or affirmation, the facts respecting the legality of the same, and he shall issue the said license only if it shall be made to appear before him that no legal impediment to such proposed marriage exists; for such license he shall be entitled to receive the sum of 50 cents.

Sections 6 and 7 define the duties of attorney-general, bureau of vital statistics, and county clerks relative to the issue of marriage licenses and certificates.

Every clerk who shall neglect or refuse to comply with the provisions regarding his duties shall forfeit and pay the sum of \$100.

License shall not be issued to minors applying for same unless the parents or guardian shall first certify under their hands and seals in the presence of two reputable witnesses their consent thereto; and no license shall be issued where the parties to such proposed marriage shall at the time of applying for license be under the influence of liquors, opiates, or other stupefying drugs.

Sec. 10. If any person applying for license under this act shall make false answer to any of the inquiries required to be asked by any county clerk, he shall be deemed

guilty of perjury, and subject to the penalties imposed therefor by the laws of this State.

Any minister, justice, or other person performing marriages without license shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Same subject.—An act to amend an act entitled “An act concerning marriage licenses,” approved May 18, 1897. (Chap. 119, p. 197, approved March 30, 1898.)

As amended, section 11 of the act named declares that if any minister, justice, or other person shall perform any marriage ceremony between parties, both of whom at the time of such marriage are nonresidents of the State of New Jersey, without the presentation to him of a license therefor, obtained in due time in accordance with the provisions of this act, he shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500.

Elections.—An act to regulate elections (revision of 1898). (Chap. 139, p. 237, approved April 4, 1898.)

Sections of this act regulate the times and places of elections in the State of New Jersey; determine the division of townships into election districts; provide for the appointment of county boards of election, and regulate the organization of the same; also for the district boards of registry and election, and regulate their organization; define method of registration for general and charter elections in cities of over 40,000 population, and also in districts outside of such cities.

Proceedings applicable to all registrations are regulated, only registered persons being allowed to vote.

Refusal to register a name or receiving the vote of any person not registered subjects to fine not exceeding \$1,000 or imprisonment not exceeding two years, or both.

False registration subjects to fine not exceeding \$1,000 or imprisonment not exceeding five years, or both.

Fals swearing to affidavit of registration is declared perjury, incurring the penalty provided by law therefor.

The nomination of candidates for election by convention and by petition are regulated, and provision made for filing certificates of nomination and petition.

Provision is made for furnishing official ballots and envelopes, and the form and style of same, with number to be used in each election district, is determined. Ballots shall be open to inspection before distribution, which distribution is regulated. The style of ballot boxes to be used is described, and the method of conducting all city and State elections is regulated.

Persons convicted of crime excluding right of suffrage are not entitled to vote, and any person so convicted who shall vote, unless pardoned and restored to right of suffrage, is declared guilty of a misdemeanor: Penalty, fine not exceeding \$200 or imprisonment at hard labor not exceeding two years, or both.

The manner of canvassing the vote and stating result of election is regulated. Failure to deliver statement of result by member of board of registry subjects to fine of \$100.

The duty of clerks relative to disposal of ballot boxes after election is defined.

Any person who shall willfully obstruct or interfere with clerks on the way from the polls to the office of the city clerk shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment at hard labor not exceeding two years, or both.

Provision is made for the appointment of boards of State and county canvassers, and their duties are defined.

Elections to supply vacancies, and modes of procedure in contested elections are dealt with.

Boards of election of State and county canvassers are authorized to maintain order at elections. Any person refusing to obey command of said boards, or disturbing proceedings by disorderly conduct, may be committed to jail for a period not exceeding three days.

Betting upon result of election is prohibited, and money or property so wagered shall be void.

False oath where oath is required in election proceedings is declared a high misdemeanor: Penalty, fine not exceeding \$800 or imprisonment at hard labor not exceeding seven years, or both.

Illegal actions on part of county clerk and secretary of state are deemed misdemeanors: Penalty, fine not exceeding \$1,000 or imprisonment at hard labor not exceeding seven years, or both.

Robbery of ballots or destruction or alteration of any return, statement, or certificate is declared a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment at hard labor not exceeding two years, or both.

Unlawful actions of district officers are deemed misdemeanors: Penalty, fine not exceeding \$500 or imprisonment at hard labor not exceeding two years.

In addition to penalties provided by law for the unlawful sale of intoxicating liquors on any election day, every person so offending, for every offense, shall forfeit and pay the sum of \$100.

Bringing liquor into polling places on day of election is prohibited. Violation a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding two months, or both.

False oath to or destruction of certificate of nomination or petition, or false indorsement of any ballot or official envelope, is declared a misdemeanor: Penalty, imprisonment not exceeding five years.

Hindering or delaying elections or any voter in the preparation of his ballot, or destruction of any ballots, or carrying any official envelope from the polling room during the election is declared a misdemeanor: Penalty, fine not exceeding \$500 and imprisonment until fine and costs are paid.

Neglect of duties imposed upon officers is declared a misdemeanor: Penalty, fine not exceeding \$3,000 or imprisonment not exceeding three years, or both. Willful destruction of official ballots or envelopes by person charged with the care of the same is declared a misdemeanor: Penalty, imprisonment in State prison not exceeding five years. Willfully neglecting or refusing to deliver said ballots and envelopes to clerk of any city, township, or municipality is declared a misdemeanor: Penalty, imprisonment in county jail not exceeding one year.

NOTE.—Formerly the imprisonment was from six months to one year.

Violation of provisions made for maintaining secrecy of the ballot subjects to fine of \$25 for each offense. Marking ballot or envelope for identification or to indicate how person has voted is prohibited. Violation a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding one year, or both.

Violation of duty by printer of official ballots and envelopes is declared a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding five years.

Revealing knowledge of how any person has voted or fraudulently disclosing what other candidates were voted for on any ballot, or giving any information concerning the appearance of any ballot or envelope voted, is declared a misdemeanor: Penalty, fine not exceeding \$2,000 or imprisonment not exceeding five years.

Inducing persons to vote or refrain from registering by promise of reward or position is prohibited. Violation a misdemeanor: Penalty, fine not exceeding \$2,000 and imprisonment not exceeding five years, or both.

Giving or causing to be given any valuable thing for purpose of bribery is declared a misdemeanor: Penalty, fine not exceeding \$2,000 or imprisonment not exceeding ten years.

Any voter receiving money or any valuable consideration, or office or place of employment for himself or any other person as bribery for his vote, is declared guilty of a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding one year.

Influencing an employee by threat is declared a misdemeanor: Penalty, fine not exceeding \$2,000 or imprisonment not exceeding five years, or both.

Obstructing polling place or interfering with any voter, or doing any electioneering within any polling place, or publicly within 100 feet of any polling place, is declared a misdemeanor: Penalty, fine not exceeding \$50.

Unlawful printing of ballots is declared a misdemeanor: Penalty, imprisonment not exceeding one year.

Removing or destroying registry list or any list of voters posted in accordance with this act is declared a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding two years.

Soliciting candidates for money or other property, or seeking to induce candidate to purchase any ticket of admission to entertainment of any kind, is declared unlawful and a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding six months, or both.

In addition to penalties provided for violation of any of the provisions of this act, the court imposing such penalties may add thereto disfranchisement as a voter and disqualification to hold any office of trust or profit within the State of New Jersey for such length of time as court may deem proper.

Sections 214 to 219, inclusive, deal with and regulate the vote at primary elections. Illegal voting at such primary elections is declared a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment at hard labor not exceeding three months, or both. Fraudulent actions at primary elections are declared misdemeanors: Penalty, fine not exceeding \$500 or imprisonment not exceeding one year, or both.

Bribery of any kind at election of delegates for any office is prohibited. Violation,

a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months.

NOTE.—Formerly, in addition to fine and imprisonment, was disqualification from holding any office of trust or profit under this State.

Bribery at election of public officers is declared a misdemeanor: Penalty, fine not exceeding \$10,000 or imprisonment not to exceed one year, or both.

NOTE.—Formerly, in addition to fine and imprisonment, was disqualification from holding any office of trust or profit under this State.

Sections 220 to 233, inclusive, deal with the conduct of elections by soldiers and sailors absent from the State in time of war.

Failure of any member of any board of election and any elector to whom ballot shall be sent as herein prescribed to comply with duties required, or abusing any trust or duty hereby imposed, is declared a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding six months, or both.

Formerly fine was from \$250 to \$1,000.

Presentation of any false ballot, envelope, or instrument of any enlisted elector herein provided for is declared a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment at hard labor not exceeding two years, or both.

Influencing enlisted voter by threat, bribery, hope of reward, or any other corrupt or arbitrary measure, is declared an offense against the government and dignity of this State, which shall be punished as a misdemeanor by a fine not exceeding \$1,000 or by imprisonment at hard labor not exceeding two years.

NOTE.—Formerly, in addition to fine and imprisonment, person offending was made ineligible to hold any office or exercise the right of suffrage in this State.

Protecting owners of bottles, etc.—An act to protect the owners of bottles, boxes, siphons, tins, kegs, or other articles used in the sale of soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or medicines or medical preparations, perfumery, oils, compounds, or mixtures. (Chap. 154, p. 359, approved April 8, 1898.)

Section 1 declares that this act shall be known and designated as "The New Jersey bottle act."

Section 2 provides for filing the name or marks used in branding bottles, etc., in the office of the clerk of the county, description of which shall be published.

Section 3 declares it unlawful to use bottles marked or to deface or erase mark without consent of owner, under penalty of fine from \$5 to \$25 and costs, or imprisonment from ten days to six months, or both fine and imprisonment.

Provision is made for making and hearing complaints, for recovery of property unlawfully held, and for disposition of fines.

NOTE.—Embraces former legislation, with new features concerning hearing of complaints and recovery of property; also sections 8 to 12, inclusive.

Former penalty for illegal use of bottles marked was fine of \$50 and costs.

Contaminated milk.—A further supplement to an act entitled "An act to establish in this State boards of health and a bureau of vital statistics and to define their respective powers and duties," approved March 31, 1887. (Chap. 152, p. 270, approved April 23, 1897.)

Section 1 gives additional power to local boards of health regarding the sale of milk not considered healthful.

Section 2 declares that said local boards of health may require statements regarding locality of milk supply, and to whom sold.

The penalty prescribed for violation of ordinances respecting the sale of milk in the State of New Jersey is fine from \$10 to \$100.

Same subject.—A further supplement to the act entitled "An act to establish in this State boards of health and a bureau of vital statistics and to define their respective powers and duties," approved March 31, 1887. (Chap. 182, p. 428, approved April 21, 1898.)

Section 1 prohibits the sale of contaminated milk, and declares it lawful for the State board of health to prohibit the transportation or sale of any milk suspected of contamination or infected by disease. Violation subjects to penalty of fine of \$100.

NOTE.—Former penalty, fine of \$50, to be recovered by State board of health.

Linseed or flaxseed oil.—An act to prevent the adulteration of and deception in the sale of linseed or flaxseed oil. (Chap. 185, p. 434, approved May 18, 1898.)

Section 1 prohibits the adulteration of linseed and flaxseed oils; also the sale, under the name of boiled linseed oil, of any article, unless the oil from which

said article is made be wholly the product of pure linseed or flaxseed, and unless the same has been heated to at least 225° F.

The sale or manufacture of any compound of said oils is not prohibited unless offered under name of linseed or flaxseed oil.

Violation of provisions is declared a misdemeanor: Penalty, fine from \$50 to \$500, and in default of payment, imprisonment not less than thirty days.

Section 4 defines the duty of the State dairy commissioner relative to the enforcement of this act.

Preserving health of female employees.—An act to amend an act entitled "An act for the preservation of the health of female employees employed in manufacturing, mechanical, and mercantile establishments," approved April 17, 1884. (General Statutes, p. 1675, sec. 218.) (Chap. 192, p. 440, approved May 18, 1898.)

The amended section declares that any person or corporation who shall be guilty of any violation of the provisions of the act named shall be liable to a penalty of \$50 for each offense, provided that ten days' notice in writing shall be given to persons or corporations so violating that they are required to comply with the provisions herein set forth. The section also provides for action, summons, findings, etc., in the proceedings of trial.

NOTE.—Relates to providing seats for women in various establishments.

New feature: Enlargement of penalty, which formerly was fine from \$10 to \$25 for each offense.

Libels.—An act relating to libels. (Chap. 204, p. 476, approved June 13, 1898.)

Section 1 declares it a misdemeanor to cause libelous statements untrue in fact to be published: Penalty, fine not exceeding \$500, or imprisonment at hard labor not exceeding two years, or both.

Justices of the peace.—An act respecting proceedings in certain criminal cases in cities of the first class of this State. (Chap. 206, p. 478, approved June 13, 1898.)

Sections of this act deal with the duty of justices of the peace in taking complaints; with the admission to bail of persons charged with criminal offenses; with the action of criminal court or police justice in bringing offenders before criminal court or police justice for examination; with the duty of court or justice relative to trying and determining cases for which the punishment does not exceed either a fine of \$100, or imprisonment for a term of six months, or both.

Section 7 declares that if any justice of the peace shall refuse or neglect to carry out in any respect the requirements of this act, or shall offend in anything against the true intent and meaning of this act, he shall be deemed guilty of a misdemeanor and punishable therefor.

NOTE.—Enlargement of former legislation. Former penalty for failure by justice of the peace to carry out requirements was fine not exceeding \$50 or imprisonment not exceeding three months.

Sewerage.—An act for the construction, maintenance, and operation of systems of sewerage in any municipality in this State. (Chap. 210, p. 484, approved June 13, 1898.)

Sections of this act provide for forming a company to operate sewerage systems in municipalities in the State of New Jersey that shall file certificate stating facts relative to its business organization.

Such company shall have power to maintain all necessary works and apparatus for carrying into effect the purposes of its incorporation.

Section 4 declares it lawful for such corporation to enter upon lands which it is intended to supply with sewerage system, and provides for action in case of disagreement with owner of land; also for assessment for damages to owner.

The management of said company is regulated and the amount of its capital stock adjusted.

Damage to property of said corporation, a misdemeanor: Penalty, fine not exceeding \$300, or imprisonment at hard labor not exceeding two years, or both.

Sections 12 to 16, inclusive, deal with consent of municipality, authorization of company to use streets and public roads for the sewerage purposes aforesaid, with rental of property, and with time of completion of said proposed system of sewerage.

NOTE.—Embraces former legislation.

Trespassing on private lands.—An act concerning trespassing on private lands. (Chap. 215, p. 525, approved June 14, 1898.)

Section 1 declares it unlawful to trespass upon unoccupied lands in the State of New Jersey for the purpose of hunting or fishing, killing or catching any game or fish, without consent of the owner, provided notice forbidding trespassing shall have been posted on said lands within three months next before date of trespass.

Violation, a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment not exceeding ten days, or both.

NOTE.—Formerly penalty was fine not less than \$10 and damages.

Fees of surrogates, county clerks, and county registers (chap. 132, p. 226, approved April 2, 1898).—Requires surrogates, clerks, and registers of deeds and mortgages to keep an account of all fees and moneys received by them, and report the same to the county collectors, to be filed as public records. Penalty, \$100 for each day's neglect.

District courts (chap. 228, p. 556, approved June 14, 1898).—Provides for the constitution and organization of district courts; an elaborate law.

Section 26 requires the clerk of every district court to render to the city treasurer an account of moneys received and dispersed, and shall turn over all books, records, etc., to his successor. Penalty for refusal to deliver his docket to his successor, the sum of \$300.

Sec. 56. Failure of juror or witness to obey summons punishable by fine from \$1 to \$50. In default of payment may be committed to county jail.

Embezzlement. (chap. 230, p. 644, approved June 14, 1898).—An act concerning partition.

Sec. 41. If any master in chancery, clerk, or other person shall willfully embezzle or convert to his own use any money that shall come to his hands under or by virtue of, this act he shall be guilty of a misdemeanor: Penalty, imprisonment at hard labor or otherwise not exceeding two years or by fine not exceeding \$1,000, or both.

Disorderly persons.—An act concerning disorderly persons, revision of 1898. (Chap. 239, p. 942, approved June 14, 1898).—The five divisions of this act deal with the definition of disorderly persons; with tramps; with desertion proceedings; with remedies against persons supplying drink to convicted disorderly persons; with arrest and trial.

Provision is made for the employment of tramps upon any county farm or upon the streets, roads, and highways of any city, township, or borough, or in any house of correction, poorhouse, workhouse, or common jail for a term not less than thirty days nor exceeding six months; or said tramps may be bound out for a like term of service.

Failure of officers to arrest tramps subjects to penalty of fine of \$10.

Sec. 29. Any husband or father committed to jail for desertion of wife or other family shall be committed to the workhouse or county jail, to be kept at hard labor in the same manner as other prisoners committed to such jail or workhouse are put and kept at hard labor.

Sec. 39. Any inn keeper, distiller, grocer, or other person who, having had notice of any order of any magistrate made pursuant to this act, shall sell intoxicating liquor to convicted disorderly person or to any member of the family of said convict, shall be deemed guilty of an offense, and for every such offense shall forfeit and pay the sum of \$10.

Section 40 declares that in all cases where any person is convicted of having violated any of the provisions of this act it shall be lawful to sentence such person to the workhouse or common jail of the county in which such person may be convicted for a period not exceeding ninety days or to impose a fine not exceeding \$25 on such person.

NOTE.—Former legislation imposed penalties of fines varying from \$5 to \$25 or im prisonment at hard labor from thirty to ninety days for acts committed by disorderly persons, according to the degree of offense.

Municipal penalties—Government of cities (chap. 30, p. 46, approved May 24, 1897).—Provides for the government of cities containing a population of less than 12,000 inhabitants.

Sec. 20. Penalties prescribed for local ordinances not to exceed imprisonment in the city or county jail more than thirty days or fine not more than \$200, and imprisonment not exceeding thirty days in default of the payment of such fine.

Section 77 makes it a misdemeanor for the comptroller to sign any warrant or order, or otherwise procure the payment of any money from the city treasurer not authorized by law.

Incorporation of towns (chap. 79, p. 155, approved April 6, 1897).—Relates to the incorporation of towns containing a population exceeding 5,000 inhabitants and amends previous act. Penalty for conviction of disorderly persons is imprisonment not to exceed thirty days or fine not more than \$30.

In case any person is convicted for maintaining a disorderly house, a house of ill-fame, a person so convicted may be committed to the common jail for a period not exceeding ninety days.

Boroughs (chap. 161, p. 285, approved April 24, 1897).—A general act relating to boroughs. Section 10 provides that in all cases where the fine or penalty shall

exceed \$20, or the imprisonment shall be for a term exceeding seven days, there may be a trial by jury.

SEC. 19. Collectors are required at the request of the council to render account of moneys collected. Penalty for failure to do so, fine of \$100.

SEC. 28. The council may prescribe penalties for the violation of ordinances in a sum not more than \$100 or by imprisonment not exceeding ninety days in the borough lockup or county jail.

Imprisonment for nonpayment of fines.—An act authorizing and concerning the imprisonment of persons fined for or convicted of violating ordinances in towns or townships where police courts are or may hereafter be established, and who shall refuse or neglect to pay such fines. (Chap. 208, p. 481, approved June 13, 1898.)

SEC. 1. Persons refusing or neglecting to pay fine imposed for violation of any ordinance may be committed to the county jail or workhouse for a period not exceeding ninety days.

Section 2 defines the duty of the keeper of the jail or workhouse relative to the custody of persons committed pursuant to the foregoing section.

GAME LAWS.

Enforcement of game laws.—An act to provide a uniform procedure for the enforcement of all laws relating to fish, game, and birds, and for the recovery of penalties for violations thereof. (Chap. 41, p. 109, approved March 29, 1897.)

Sections of this act deal with the enforcement of laws for the protection of fish, game, and birds. Persons complained of for violating said laws may be arrested and brought before a justice of the peace, district court, or police magistrate, who shall determine the guilt or innocence of such persons, and shall impose upon persons convicted the penalty prescribed, together with the costs of prosecution. Failure to pay fine and costs shall subject to imprisonment in county jail not exceeding ninety days, or until fine and costs are paid.

The manner of proceeding against offender is regulated, and the duties and powers of fish and game protector, fish and game wardens, and their deputies are defined.

Second conviction doubles the penalty prescribed for first offense.

Clams and oysters.—A further supplement to an act entitled an act for the better enforcement in Maurice River Cove and Delaware Bay of the act entitled an act for the preservation of clams and oysters, approved April 14, 1846, and of the supplements thereto, approved March 21, 1871. (Chap 182, p. 352, approved May 11, 1897.)

Section 1 provides for the culling of oysters, oyster shells, and other material dredged, tonged, or in any manner taken from any of the natural oyster beds or grounds under the waters of Delaware Bay, Maurice River Cove, and their tributaries, in the State of New Jersey, and declares that all shells and other material shall be immediately thrown back upon the beds or grounds from which the same have been taken.

Failure to cull so closely that the shells and other material remaining shall be less than 15 per cent of the whole quantity of oysters, shells, and other materials caught and taken is declared a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding six months, or both, with forfeiture of boat and other apparatus used.

Oysters.—An act for the better protection and preservation of the oyster industry in the creeks and rivers along the shores of Delaware Bay and Maurice River Cove (Chap. 184, p. 355, approved May 11, 1897.)

This act provides for the organization of the "Delaware Bay Oyster Tonger's Association" and defines the duties of the board of directors of said association.

Section 9 makes it unlawful to use any dredge, drag, scrape, or patent tongs or other instruments except hand tongs for the purpose of catching oysters from certain named beds, creeks, and rivers of the State of New Jersey along the shore of Delaware Bay. Violation, a misdemeanor: Penalty, fine not exceeding \$300 or imprisonment at hard labor not exceeding one year, or both, with forfeiture of boat and appliances used for such unlawful purposes.

Section 10 makes it unlawful to gather, scrape, rake, or tong any oyster of any description whatever in or upon the beds, creeks, or rivers of the State of New Jersey upon the shores of the Delaware Bay herein named, excepting upon the beds at the mouth of and in Maurice River during the close season. Violation, a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment in county jail not exceeding ninety days.

SEC. 11. Any person a resident of the State of New Jersey desiring to engage in the

gathering of oysters with hand tongs in the creeks, beds, and rivers named, for the purpose of selling or planting, shall first obtain a license from the collector of the Delaware Bay Oyster Tongs Association, the issuing of which is herein regulated. Violation of any of the provisions of this section, a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment in county jail not exceeding ninety days.

SEC. 12. Oysters taken shall be culled where caught and shells and trash shall be thrown below low-water mark in said creeks and rivers where said oysters were caught. Violation, a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment in county jail not exceeding ninety days.

Section 13 limits the size of oysters to be taken at certain places, and provides for returning the shells to bottom of said creeks. Violation of the provisions of this section, a misdemeanor: Penalty, fine not exceeding \$300 or imprisonment in State prison not exceeding one year, or both.

Section 14 regulates the measurement of oysters by bushel. Using measure contrary to provisions, a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment in county jail not exceeding ninety days, or both.

SEC. 15. It shall be unlawful for any person or persons, corporation or corporations, to grow or plant oysters for their own private use, to the exclusion of the inhabitants of this State, upon any land or lands that lie below the tidal waters of any of the creeks, beds, or rivers of the State of New Jersey upon the shore of the Delaware Bay, as before named. Violation, a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment in State prison not exceeding one year, or both.

NOTE.—The main features of above act are new.

Fish in Hackensack River.—A supplement to an act entitled an act for the preservation of fish in the Hackensack River and its tributaries or branches within the counties of Bergen and Hudson, approved April 26, 1894. (Chap. 197, p. 414, approved May 18, 1897.)

As amended, the use of any seine or net, trap, weir, or other apparatus or tackling, except hook and line, commonly called angling, or scroll spoon, commonly called trolling, is prohibited within the waters named in act between June 10 and February 25 of each and every year, under penalty prescribed in act to which the above is an amendment. Nothing in this act shall prohibit the taking of tomcods with fyke nets between December 15 and January 15 of each year.

NOTE.—New feature concerning exception.

Reed birds, etc.—An act for the protection of reed birds, rail birds, and marsh hens. (Chap. 94, p. 152, approved March 23, 1898.)

By this act capturing or killing, or having in possession any reed bird, rail bird, or marsh hen between August 25 and January 1 of each and every year is prohibited under penalty of \$20 for each bird so captured, killed, or had in possession.

NOTE.—Above act extends the open season for birds named.

Oysters.—A supplement to an act entitled an act for the better enforcement in Maurice River Cove and Delaware Bay of the act entitled an act for the preservation of clams and oysters, approved April 14, 1846, and of the supplements thereto, which act was approved March 21, 1871. (Chap. 99, p. 158, approved March 23, 1898.)

Section 1 prohibits taking oysters from the beds of Delaware Bay that shall measure less than 3 inches from hinge to mouth; also taking oysters, shells, or other material containing over 5 per cent of oysters, shells, or other material. Violation, a misdemeanor: Penalty, fine not exceeding \$300 or imprisonment not exceeding six months.

NOTE.—Formerly the penalty was fine of \$200 or imprisonment at hard labor for one year, or both.

Section 2 prohibits taking clams or oysters from beds named during the close season, which is herein defined. Violation, a misdemeanor: Penalty, fine not exceeding \$300 or imprisonment in State prison not exceeding one year, or both, and forfeiture of boat or vessel and all tackling and apparel used.

NOTE.—Formerly the penalty was fine of \$200 or imprisonment at hard labor for one year, or both.

Terrapin.—An act for the preservation of terrapin. (Chap. 111, p. 183, approved March 25, 1898.)

Section 1 prohibits catching or exposing for sale or having in possession any of the species of turtle commonly called terrapin for three years from the passage of this act, or in the close season thereafter. Violation, a misdemeanor: Penalty, fine of \$50, or imprisonment in State prison for six months.

Section 2 prohibits taking any terrapin from any of the waters of the State of New Jersey by means of traps, seines, or nets. Violation, a misdemeanor: Penalty, as above.

Section 3 prohibits catching, taking, or having in possession at any time, any terrapin measuring less than 4 inches lengthwise along the undershell. Violation, a misdemeanor: Penalty, fine of \$25, or imprisonment in county jail for three months.

Section 5 prohibits robbing or destroying the eggs of any terrapin in the State of New Jersey. Violation, a misdemeanor: Penalty, fine of \$25, or imprisonment in county jail for three months.

Oysters.—A supplement to an act entitled an act for the better enforcement in Maurice River Cove and Delaware Bay of the act entitled an act for the preservation of clams and oysters, approved April 14, 1846, and of the supplements thereto, approved March 21, 1871; General Statutes, 817. (Chap. 114, p. 188, approved March 29, 1898.)

Section 1 declares that no boat or vessel of any kind or description shall be used or employed in or about the business or occupation or catching or planting oysters in the waters of Delaware Bay or Maurice River Cove without first being duly licensed.

Provision is made for seizing boats or vessels unlawfully used, together with all instruments and appliances and also the oysters taken.

Taking oysters in close season within the territory named is prohibited. Violation, a misdemeanor: Penalty, fine not exceeding \$200, or imprisonment in county jail not exceeding six months, or both. Formerly the penalty was fine not exceeding \$200, or imprisonment not exceeding one year, or both.

Section 5 prohibits catching oysters in the waters named before sunrise or after sunset, under penalty of fine of \$100 and costs, with forfeiture of appliances used in so taking oysters.

Seed oysters.—An act to amend an act entitled an act to promote the propagation and growth of seed oysters and to protect the natural oyster beds of this State, approved March 30, 1896. (Chap. 146, p. 349, approved April 6, 1898.)

As amended, section 1 divides the natural oyster beds of the State of New Jersey into six districts, the limits of which are herein defined.

Section 2 declares it unlawful for any person to rake, tong, dredge, or in any manner disturb or work upon grounds occupied for the purpose of planting shells until the second season after the spat have adhered to the shells so planted. Violation, a misdemeanor: Penalty, fine of \$50 for each offense or imprisonment not exceeding three months, or both.

Section 3 prohibits taking oysters during the close season, from May 1 until October 1; also the violation of any provision of the "Culling act." Violation, a misdemeanor: Penalty, as above.

NOTE.—Embraces former legislation, with new features not affecting penalties.

CRIMINAL CODE.

An act for the punishment of crimes, revision of 1898 (chap. 235, p. 794, approved June 14, 1898). The six articles of this act deal with crimes against the State; against the public peace; against public morals and institution of marriage; against the public health and safety; crimes which involve private injury to the persons of individuals; to property by direct injury to dwellings and other buildings; and specify the crimes included under each article, said crimes being classified as misdemeanors, high misdemeanors, treason, misprison of treason, conspiracy, incest, bigamy, murder in first or second degree, manslaughter, and arson.

Section 217 declares that any person found guilty of any crime which by this or any other statute is declared to be a high misdemeanor, and for which no penalty is fixed in the statute, shall be punished by fine not exceeding \$2,000 or by imprisonment, with or without hard labor, as the court may direct, for any term not exceeding seven years, or both.

Section 218 declares that any person found guilty of any crime which by this or any other statute is declared to be a misdemeanor, shall be punished by fine not exceeding \$1,000 or by imprisonment, with or without hard labor, as the court may direct, for any term not exceeding three years, or both.

In the case of certain high misdemeanors a special penalty is fixed by statute, but in the majority of cases high misdemeanors are punishable as prescribed in section 217, and misdemeanors as in section 218. Other crimes, such as murder, treason, bigamy, etc., which constitute a class by themselves, have special penalties.

The following is an analysis of this act, giving the title of each crime, its classification, the penalty attached, and the penalty under the former law. In all cases of misdemeanors or high misdemeanors in which the penalty is referred to "as provided by law," the reference is to sections 217 and 218, as given above.

Analysis of the Revised Criminal Code of New Jersey.

I. CRIMES AGAINST THE STATE.

[High misdemeanor, fine to \$2,000, imprisonment seven years, or both; misdemeanor, fine to \$1,000, imprisonment three years, or both; h. l.=hard labor; imp.=imprisonment.]

Description of offense.	Classified as—	Penalty.	Former penalty.
<i>Treason, sedition, and the like.</i>			
Treason	Treason	Death	
Misprision of treason	Misprision of treason	\$1,000, or imp. 7 years, or both.	
Maintaining foreign authority.	High misdemeanor.		\$400, imp. 1 year, or both.
Conspiracy to make war in other States.	.....do	\$2,000, or imp. 7 years, or both.	\$1,000, imp. 10 years.
Concealment of aforesaid crimes.	.....do .....	.....do	\$400, imp. 1 year, or both.
<i>Against public justice and the administration of government.</i>			
Obstructing execution of process.	Misdemeanor.....	\$2,000, or imp. 7 years, or both.	\$800, imp. h. l., 2 years, or both.
Suffering offenders to escape in capital cases.	High misdemeanor.	Imp. 30 years	Unchanged.
Escapes in other cases.....	Misdemeanor.....	Disqualified from holding office.	The same.
Rescues in capital cases	High misdemeanor.	30 years.	Death.
Rescues in criminal cases	Misdemeanor.....	As provided by law.	No change.
Attempted rescue .....	.....do .....	.....do	The same.
Escape or attempted escape from prison.	.....do .....	.....do	Do
Aiding escapes .....	.....do .....	.....do	\$500, 2 years' h. l., or both.
Stealing records whereby verdict is reversed.	High misdemeanor.	.....do	\$7,000, 7 years imp. h. l., or both.
Stealing records, verdict not reversed.	Misdemeanor.....	.....do	\$1,000, 4 years imp., or both.
Willfully injuring public notices.	.....do .....	.....do	\$500, or 6 months' county-jail imp.
Embracery .....	.....do .....	.....do	\$300, or imp. 1 year.
Jurors guilty of embracery ..	.....do .....	.....do <i>a</i>	\$600, 2 years imp., or both.
Perjury	High misdemeanor.	.....do	\$800, or 7 years' h. l., or both.
Compounding of crimes.....	Misdemeanor.....	.....do	\$300, or 1 year imp., or both.
Concealment of crimes .....	.....do .....	.....do	\$500, or 3 years' h. l., or both.
Bribery of judge	High misdemeanor.	.....do <i>a</i>	\$800, imp. 5 years, or both; forever disqualified.
Extortion by judge or other officers.	Misdemeanor.....	.....do	Shall restore to the party grieved double damages and costs.
Neglect of duty .....	.....do .....	.....do	\$400 or imp. 2 years.
Violation of procedure for extradition.	.....do .....	.....do	New section.
Bribery of members of legislature.	High misdemeanor.	\$5,000 or 5 years' h. l., or both. <i>a</i>	No change.
Illegal voting	Misdemeanor.....	Provided by law	\$200, or 2 years, or both.
Fraudulent voting .....	.....do .....	.....do	\$500, or 1 year, or both.
Advising illegal voting.....	.....do .....	.....do	Do.
Voting twice .....	.....do .....	.....do	Do.
Influencing voters or intimidating.	.....do .....	.....do	\$250, or 6 months, or both.
Officers selling their votes.....	.....do .....	.....do <i>b</i>	\$1,000, or imp. 1 year and same disqualification.
State employees must not furnish supplies.	.....do .....	.....do	\$1,000, or 1 year, or both.
Bribe for giving out printing of blanks.	.....do .....	.....do	\$300, or imp. 1 year, or both.
Disbursing money in excess of legal limit.	.....do .....	.....do	Do.
Public officers not to be interested in public contracts.	.....do .....	.....do	Do.
Bids for public works or supplies.	.....do .....	.....do	First offense, \$250; any repetition of offense, \$250 to \$500 or imp. 3 months to 1 year, or both.
Evasion of taxes by transfer of property.	.....do .....	.....do	\$5,000, imp. 1 year, or both.
Partner of judge not to practice before him.	.....do .....	.....do	Not over \$100.
Personating an officer.....	.....do .....	.....do	\$500, imp. 1 year.
Conspiracy .....	.....do .....	.....do	\$500, or imp. 2 years.

a And forever disqualified.*b* And forever disqualified from holding office.

Analysis of the Revised Criminal Code of New Jersey—Continued.

II. AGAINST THE PUBLIC PEACE.

Description of offense.	Classified as—	Penalty.	Former penalty.
Challenge and dueling	Misdemeanor.....	Provided by law....	For challenging, \$500; for fighting duel, fine to \$1,000, 4 years' imp., or both, and disqualified from office.
Threatening letters.....	do	do	Fine to \$300, imp. 9 months' h. l., or both.
Assault and battery	do	do	May be jointly indicted and punishable by law.
Prize fighting, pugilistic contests.	do	do	Imp. to 2 years or fine to \$1,000, or both.
Being present at such encounters.	do	do	Imp. to 1 year or fine to \$200, or both.
Hindering proclamation of riot act.	do	do	Fine to \$100, imp. to 6 months.
Riotously continuing together.	do	do	Fine to \$1,000, imp. to 3 years, or both.

III. AGAINST PUBLIC MORALS AND THE INSTITUTION OF MARRIAGE.

Sodomy	High misdemeanor.	Fine to \$1,000 or imp. h. l. 21 years.	Unchanged.
Incest	Incest	Fine to \$1,000 or imp. to 5 years, or both.	Fine to \$500 or imp. to 18 months, or both.
Incestuous conduct between parent and child.	High misdemeanor.	Fine to \$1,000 or imp. to 15 years, or both.	Unchanged.
Adultery	Misdemeanor.....	As provided by law.	Fine to \$100, imp. 6 months.
Fornication	do	Fine to \$50, imp. to 6 months.	Fine \$14 or imp. to 6 months, or both.
Intercourse of married men with single female under promise of marriage.	High misdemeanor.	Provided by law ...	Fine to \$5,000 or imp. h. l. not more than 5 years, or both.
If single men have intercourse.	do	do	Do.
Lewdness	Misdemeanor.....	do	Fine not more than \$100, imp. to 12 months' h. l., or either.
Bigamy.....	Bigamy.....	To \$1,000 or imp. at h. l. to 10 years, or both.	Fine \$1,000 and hard labor 10 years, or either of them.
Indecent publications.....	Misdemeanor.....	Provided by law ...	Imp. to 1 year or fine to \$1,000 for each offense.
Sending indecent communications.	do	do	No change.
Unlawful to expose body of one who has suffered death penalty.	do	do	Fine to \$250 or imp. at h. l. to 6 months, or both.
Apprenticing minors for mendicant or immoral purposes.	do	do	Not less than \$50 nor more than \$100 for each offense; court may commit minor to reform school.
Lotteries	do	do	Fine to \$100 or h. l. not exceeding 1 year, or both.
Advertise or aid lottery	High misdemeanor.	do	First clause concerning advertising, fine not exceeding \$100 or hard labor to 1 year, or both; second clause, concerning employee, fine to \$100 or imp. to 2 years, or both; third clause, as to owner, fine \$1,000 each offense—fine to stand as a lien on building till paid.
Lottery messages, etc., must not be received or carried.	do	do	First part, as to transmitting packages, etc., or telegrams, etc., fine, \$5,000 each offense; last part, as to carrying messages, etc., hard labor not less than 2 nor more than 5 years.

a Special punishment in statute for this misdemeanor.

Analysis of the Revised Criminal Code of New Jersey—Continued.

III. AGAINST PUBLIC MORALS AND THE INSTITUTION OF MARRIAGE—Continued.

Description of offense.	Classified as—	Penalty.	Former penalty.
Gaming.....	Misdemeanor.....	Provided by law....	Shall be prosecuted and proceeded against by indictment, bringing them under sec. 192, p. 1083, General Statutes, viz, imp. at hard labor or otherwise not exceeding 2 years, or by fine to \$500, or both.
Racing for money prohibited.	.....do.....	.....do.....	Fine to \$100 or imp. not more than 6 months, or both.
Betting races.....	.....do.....	.....do.....	Unchanged.
Holding stakes or riding races.	.....do.....	.....do.....	Do.
Maintaining race course.....	.....do.....	.....do.....	Fine to \$1,000 or imp. not more than 1 year, or both.
Book making and pool selling.	.....do.....	Fine not less than \$1,000 nor more than \$5,000, and imp. not less 1 year nor more than 5 years; corporation convicted to be dissolved.	For buying or selling a pool, fine to \$500 and imp. to 2 years; for book making and keeping a record of such practices, penalty unchanged.
Selling liquor without license.	.....do.....	Provided by law....	Fine, \$20 and costs.
Selling or giving liquor in court-house or jail.	.....do.....	.....do.....	\$100 and costs.
Liquor on election day and Sabbath.	.....do.....	.....do.....	Fine to \$100 or imp. to 30 days, or both; on Sabbath, \$20 and costs.
Liquor within 2 miles of camp-meeting association.	.....do.....	.....do.....	General statute, p. 1795, 49, \$20 and costs; but act March 11, 1897 (see p. 145, chap. 67, 1897), \$100 or 5 months in jail, or both; within 1 mile of camp-meeting grounds, \$20 and costs.
Gaming by minors where liquor is sold.	.....do.....	.....do.....	First offense, \$10 to \$25 or jail 10 days; second offense, \$25 to \$50 or jail 30 days; subsequent offenses, \$50 to \$100 or jail 3 months, or both.
Witchcraft, sorcery to discover lost or stolen goods.	.....do.....	.....do.....	Fine to \$50, jail 3 months, or both.
Impostors in religion.....	.....do.....	.....do.....	Fine to \$100, 6 months in jail, or both.
Blasphemy against God or Jesus Christ.	.....do.....	.....do.....	Fine to \$200 or imp. h. l. 12 months, or both.

IV. CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY.

Injuring bridges, dams, etc., or obstructing navigation.	Misdemeanor.....	Provided by law....	Imp. h. l. 1 year, fine to \$200, or both.
Mooring vessels to or removing buoys placed by authority of United States Light-House Board.	.....do.....	.....do.....	Fine to \$200, imp. not over 3 months.
Obstructions on railways or removing signal lights, etc.	High misdemeanor.....	.....do.....	Imp. h. l. to 10 years or fine \$1,000, or both.
Obstructing engines and railway carriages.	Misdemeanor.....	.....do.....	Imp. to 2 years, fine to \$200.
Injuring railroads.....	.....do.....	.....do.....	Imp. to 3 years, fine to \$500, or both.
Unauthorized attempts to control trains.	.....do.....	.....do.....	Imp. to 1 year, fine to \$100, or both.
Willfully destroying or defacing guideposts.	.....do.....	.....do.....	Not over 3 months jail, fine to \$50, or both.
Filling lowland with decaying matter.	.....do.....	.....do.....	Fine to \$250, imp. h. l. 6 months, or both.
Deposit of mud in Hudson River prohibited.	.....do.....	.....do.....	\$25 to \$50 for each offense; if mud dumped by scows \$50 to \$100 for each load.
Deposit of mud, etc., in Delaware River.	.....do.....	.....do.....	Do.

Analysis of the Revised Criminal Code of New Jersey—Continued.

IV. CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY—Continued.

Description of offense.	Classified as—	Penalty.	Former penalty.
Polluting water supplies....	Misdemeanor.....	Provided by law....	Fine to \$1,000, imp. to 2 years.
Neglect to bury offensive matter.	.....do.....	.....do.....	Fine to \$1,000, or imp. to 2 years, or both.
Pollution of waters from which ice is taken.	.....do.....	.....do.....	Fine to \$100, imp. to 30 days, or both.
Depositing chemical refuse on vacant lots.	.....do.....	.....do.....	Fine \$25 each offense.
Neglect to bury animals dying of contagious diseases.	.....do.....	.....do.....	Fine to \$200, or jail to 6 months.
Shipping explosives deceptively.	.....do.....	.....do.....	Imp. 30 days, fine \$100 and damages.
Unlawful to transport explosives on passenger train.	.....do.....	.....do.....	\$100 for each offense.
Shipping nitroglycerin by boat limited to 50 pounds.	.....do.....	.....do.....	Fine to \$1,000.
Manufacture of nitroglycerin near dwelling or municipality prohibited.	.....do.....	.....do.....	Fine to \$2,000.
Maintaining buildings for making or storing nitroglycerin within 1,000 feet of public road.	.....do.....	Fine to \$2,000.....	No change.
Restrictions regarding inflammable fluids.	.....do.....	Provided by law....	\$50 to \$200, or imp. to 6 months, or both.
Unlawful to sell firearms to persons under 15, or to carry the same.	.....do.....	.....do.....	For selling, to \$100 and imp. 3 months, or both. To purchase or carry, fine to \$25.
Sale of poisons.....	.....do.....	.....do.....	To \$50, or imp. to 3 months, "either or both."
Vending unwholesome provisions.	.....do.....	.....do.....	Fine to \$50, or jail to 4 months.
Adulteration of liquor.....	.....do.....	.....do.....	Fine to \$1,000, or imp. to 2 years' h. l., or both.
Drugging liquor.....	.....do.....	.....do.....	Fine to \$5,000, imp. 1 year's h. l., or both.
Manufacture of adulterated lard without stamping packages.	.....do.....	.....do.....	For selling impure lard, fine not less than \$50 each offense or jail not less than 60 days; for adding fat, water, etc., not less than \$100 or jail as above.
Rendering or selling fat of diseased swine.	.....do.....	.....do.....	Not less than \$200 or jail not less than 90 days.
Obstructing firemen at fires.	.....do.....	.....do.....	Fine to \$1,000, imp. to 2 years h. l., or both.
Injuring fire-alarm apparatus or malicious interference.	.....do.....	.....do.....	Fine to \$500 or imp. to 1 year, or both, with damages.
Injuring telegraph and telephone lines.	.....do.....	.....do.....	Imp. to 2 years or fine to \$200, or both.
Sailboats under 100 tons limited to 30 passengers.	.....do.....	.....do.....	Fine \$500 to \$1,000 or imp. 3 years.

V. CRIMES WHICH INVOLVE PRIVATE INJURY.

<i>To the persons of individuals.</i>			
Murder.....	Murder in first degree.	Death.....	Death.
Do.....	Murder in second degree.	Imp. to 30 years.....	5 to 20 years h. l.
Manslaughter.....	Manslaughter.....	Fine to \$1,000, imp. to 10 years, or both.	Unchanged.
Poisoning where death does not ensue.	High misdemeanor.	Fine to \$1,000 or imp. to 15 years, or both.	Do.
Mayhem.....	.....do.....	Provided by law....	Imp. to 7 years, fine to \$1,000, or both.
Assault with intent to murder, etc.	.....do.....	.....do.....	Imp. to 10 years, fine to \$1,000, or both.

a And liable for damages.

Analysis of the Revised Criminal Code of New Jersey—Continued.

V. CRIMES WHICH INVOLVE PRIVATE INJURY—Continued.

Description of offense.	Classified as—	Penalty.	Former penalty.
<i>To the persons of individuals—</i> Continued.			
Kidnaping	High misdemeanor.	Fine to \$5,000 or imp. to 20 years, or both.	Fine to \$1,000, imp. to 5 years, or both.
Rape	do	To \$1,000 or imp. to 15 years, or both.	Unchanged.
Abduction.....	do	Fine to \$1,000 or imp. to 12 years, or both.	Do.
Taking away child under 16 with intent to seduce.	do	Provided by law.....	Fine to \$400, h. l. imp. to 2 years, or either.
Deflowering such child.	do	do	Fine to \$1,000, imp. to 5 years, or either.
Concealment of pregnancy and birth.	Misdemeanor.....	do	First clause as to concealing, fine to \$100 or imp. to 4 months h. l., or both; last clause as to drowning or secret burying, fine to \$200, imp. 1 year h. l., or both.
Abortion	High misdemeanor.	Provided by law; if woman or child die, fine to \$5,000 or imp. to 15 years, or both.	In case woman or child did not die, fine to \$1,000, imp. to 5 years, or both.
Robbery.....	do	Fine to \$1,000, imp. to 15 years' h. l., or both.	Unchanged.
Intent to rob	do	Provided by law.....	Fine to \$1,000, imp. to 10 years h. l., or both.
Larceny from the person.....	do	do	Fine to \$500, imp. to 5 years h. l., or both.

VI. TO PROPERTY BY DIRECT INJURY.

<i>To dwellings and other buildings.</i>			
Arson	Arson	Fine to \$2,000 or imp. to 15 years, or both.	Unchanged.
Burning buildings not dwelling houses.	High misdemeanor.	Provided by law.	Fine to \$1,000 or imp. to 10 years h. l., or either of them.
Setting fire to buildings	Misdemeanor.....	do	Fine to \$500, and imp. to 5 years h. l., or either.
Burning buildings to defraud insurers.	High misdemeanor.	do	Fine to \$1,000 or imp. 10 years h. l.
Setting fire with intent to defraud.	Misdemeanor.....	do	Fine to \$1,000 or imp. to 5 years h. l.
Attempting to destroy buildings with explosives.	do	do	"Shall be liable to imprisonment."
Tenants maliciously burning dwelling houses.	Arson	Fine to \$2,000 or imp. to 15 years, or both.	Unchanged.
Endangering property by burning brush.	Misdemeanor.....	Provided by law.....	Fine \$100, imp. 6 months, or both.
Burglary	High misdemeanor.	do	Fine to \$500 or imp. to 10 years h. l., or both.
Breaking and entering with intent.	do	do	Do.
Entering with intent to kill.	do	do	Fine to \$800 or imp. to 5 years h. l., or both.
Manufacturing or having burglars' tools.	do	do	Imp. to 15 years h. l., fine to \$4,000, or both.
<i>Malicious mischief.</i>			
Injuring buildings, carrying off crops, or maliciously killing horses, stock, etc.	Misdemeanor.....	Provided by law.....	Fine to \$200 or imp. 1 year h. l., or both.
Tenants maliciously injuring property.	do	do	Imp. to 1 year h. l., fine to \$200, or both.
Tenant willfully destroying after foreclosure commenced.	do	do	Fine to \$500, imp. to 1 year h. l., or both.
Unlawfully cutting timber.	do	do	Fine to \$100, imp. to 1 year, h. l., or both.
Taking drift lumber or boats.	do	do	Fine to \$200, imp. to 2 years, h. l., or both.

Analysis of the Revised Criminal Code of New Jersey—Continued.

VI. TO PROPERTY BY DIRECT INJURY—Continued.

Description of offense.	Classified as—	Penalty.	Former penalty.
<i>Malicious mischief—Cont'd.</i>			
Injuring dams, bridges, etc.	Misdemeanor.....	Provided by law....	Fine to \$200, imp. to 1 year, h. l., or both.
Breaking down dams or poisoning fish.	.....do.....	.....do.....	Imp. 6 months, h. l., fine to \$200, or both.
Injuries to gas and water pipes.	.....do.....	.....do.....	Fine to \$100, imp. to 1 year, h. l., or both.
Obstructing mine shafts, etc.	.....do.....	.....do.....	Imp. to 2 years, with or without h. l., and with or without solitary confinement.
Damaging steam engines and appliances pertaining to mines.	.....do.....	.....do.....	Imp. to 2 years, h. l., fine to \$200, or both.
Injuring machinery.	.....do.....	.....do.....	Fine to \$250, imp. to 2 years, h. l., or both.
Damaging or destroying books, works of art, etc., in libraries, museums, churches, or public places.	.....do.....	.....do.....	Imp. 6 months, or fine to \$200.
Defacing books of libraries.	.....do.....	.....do.....	Fine to \$100 for each offense.
Robbing or desecrating graves.	High misdemeanor.	.....do.....	Fine to \$2,000, imp. h. l. to five years.
Malicious destruction of deeds.	Misdemeanor.....	.....do.....	Fine to \$800, or h. l. to 10 years, or both.
Destroying landmarks.	.....do.....	.....do.....	Fine to \$250, or imp. h. l. 2 years, or both.
Defacing public bridges or laying wires or pipes thereon without permission.	.....do.....	.....do.....	Imp. to 1 year, fine to \$500, or both.
Advertising on the palisades.	.....do.....	.....do.....	Fine to \$200 for each offense, imp. to 6 months, or both.
Malicious damage to any goods.	.....do.....	.....do.....	Fine to \$200, or imp. to 2 years, or both.
Abuse of hired animals.	.....do.....	.....do.....	Fine to \$100, or jail to 6 months, or both.
Cruelty to animals.	.....do.....	.....do.....	Fine to \$100 or jail to 1 year.
Killing or maiming animals.	.....do.....	.....do.....	Imp. to 6 months or fine to \$100.
Malicious damage not provided for.	.....do.....	.....do.....	Imp. to 2 years, fine to \$100.
<i>Stealings and other takings.</i>			
Larceny.....	If the value of article be under \$20, misdemeanor; if the value be above \$20, high misdemeanor.	.....do.....	Stealing money over \$20, fine to \$500 or imp. h. l. 10 years, or both; flowers in graveyards fine, to \$100, 6 months in jail, or both; for ticket less than \$20 in value, fine to \$100 or 3 months in jail, or both, but if equal to or greater than \$20, fine to \$500 or imp. h. l. 10 years, or both.
Stealing bills, bonds, etc.	High misdemeanor.	.....do.....	"Such punishment as if he had stolen other goods of the like value."
Stealing deeds.	.....do.....	.....do.....	Fine to \$500 or imp. h. l. to 10 years, or both.
Stealing or destroying wills or codicils.	Misdemeanor.....	.....do.....	Imp. to 5 years h. l.
Stealing fowls.	.....do.....	.....do.....	Fine to \$100, imp. h. l. 3 years, or both.
Killing or detaining homing pigeons.	.....do.....	.....do.....	Fine to \$30, imp. to 3 months, or both.
Obtaining electricity unlawfully.	.....do.....	.....do.....	Fine to \$500 or imp. h. l. to 6 months, or both.
Taking certain animals, although temporarily.	.....do.....	.....do.....	Fine to \$100, imp. to h. l. 10 years, or both.
Receiving stolen goods.	.....do.....	.....do.....	Fine to \$300, imp. h. l. to 3 years, or both.
<i>Frauds and embezzlements.</i>			
Embezzlement.....	High misdemeanor.	Provided by law....	Fine to \$5,000, imp. h. l. to 5 years, or both.
By collectors, constables, etc.	.....do.....	.....do.....	Fine to \$1,000, imp. to 5 years, or both.
Officers unlawfully obtaining money.	.....do.....	.....do.....	Fine to \$5,000, State prison 5 years, or both.

Analysis of the Revised Criminal Code of New Jersey—Continued.

VI. TO PROPERTY BY DIRECT INJURY—Continued.

Description of offense.	Classified as—	Penalty.	Former penalty.
<i>Frauds and embezzlements—Continued.</i>			
Unlawful detention of public property.	Misdemeanor.....	Provided by law....	Fine to \$500, imp. h. 1 year, or both.
Embezzlement or fraud by bank officers.	High misdemeanor.....	do	Fine to \$1,000, imp. t years, or both; but clause, false entries, fine \$500, imp. h. 1 years, or both.
Directors, etc., fraudulently appropriating property.	Misdemeanor.....	do	Fine to \$500, imp. h. 1 years.
Keeping fraudulent accounts.	do	do	Imp. h. 1. to 3 years or to \$500, or both.
Willfully destroying books or making false entries.	do	do	Do.
Publishing false statements.	do	do	Imp. h. 1. to 2 years or \$400 fine, or both.
Funds for charitable purposes.	do	do	Fine to \$400 or imp. h. 1 3 years, or b th.
Withholding or converting trust funds.	do	do	Fine to \$1,000, imp. to 5 years, or both.
Embezzlement by apprentice or servant.	do	do	Fine to \$100 or imp. t years, provided "with the age of 14 years."
Embezzlement by agents.	do	do	Fine to \$500, imp. h. 1 years, or both.
Embezzlement by lodger.	do	do	Fine to \$200, imp. h. 1 years, or both.
Embezzlement by carrier.	do	do	Engaged to transport a sell, fine to \$500, imp. h. 1. 1 year, or both; purchase without conse imp. to h. 1. 2 years fine to \$200, and liable double the value of pr erty.
Embezzlement by operatives.	do	do	Fine to \$300, imp. h. 1 years, or both.
Receiving goods wrongfully obtained.	do	do	No change.
Consignee, etc., converting property.	do	do	May be punished for l ceny, but may be c victed under General S utes, p. 1104, 296; fine \$500, imp. h. 1. to 2 years, or both.
Thimblerrigging.	do	do	Imp. h. 1. 1 to 5 years, f to \$1,000.
Obtaining goods by false pretense.	do	do	Fine to \$1,000, imp. h. 1 3 years, or both.
Inducing by fraud execution of papers.	do	do	Imp. h. 1. to 2 years, fine \$200, or both.
Counterfeiting.	High misdemeanor.....	do	Unchanged.
Counterfeiting coin or passing the same.	do	do	Imp. h. 1. to 10 years, fine \$2,000.
Counterfeiting foreign coin.	do	do	Unchanged.
Having counterfeit coin with intent to export.	do	do	Imp. h. 1. to 5 years, fine \$1,000.
Offering counterfeit goods, "green goods," etc.	do	do	Imp. 1 year to 5; fine \$100 \$1,000 for each offense.
Aiding or abetting the distribution of counterfeit money, etc.	do	do	Imp. 1 to 5 years; fine \$ to \$2,000.
Uttering bad bills.	Misdemeanor	do	Fine to \$300 or imp. h. 1 3 years, or both.
Counterfeiting letters of credit.	High misdemeanor.....	do	Fine to \$3,000 or imp. h. 10 years, or both.
Counterfeiting trade-marks, or selling such goods without notice to purchaser.	Misdemeanor	do	Jail to 6 months; fine \$100.
Falsely making, altering, forging, etc., records, drafts, notes, etc.	High misdemeanor.....	do	Fine to \$3,000; imp. h. 1 10 years, or both.
Forging passenger tickets.	Misdemeanor	do	Fine to \$500 or imp. h. 1 2 years, or both.
Using fraudulent tickets.	do	do	Fine to \$500; imp. h. 1 year, or both.
Issuing false stock.	High misdemeanor.....	do	Fine to \$3,000; imp. h. 1 10 years, or both.
False personation.	do	do	Fine to \$7,000; imp. h. 1 7 years, or both.

Analysis of the Revised Criminal Code of New Jersey—Continued.

VI. TO PROPERTY BY DIRECT INJURY—Continued.

Description of offense.	Classified as—	Penalty.	Former penalty.
<i>Frauds and embezzlements—Continued.</i>			
Promising employment with wrong intent.	Misdemeanor	Provided by law....	Imp. h. l. to 5 years; fine to \$1,000, or both.
Misrepresenting fruit trees.	.....do .....	.....do	Fine to \$100; jail to 3 month, or both.
False registration of animals.	.....do .....	.....do	Fine to \$1,000; imp. h. l. to 1 year, or both.
Removal of property by mortgagee.	.....do .....	.....do	Fine \$1,000; imp. to 6 months h. l., or both.
Selling borrowed property or hiring horse by deceit.	.....do .....	.....do	Selling borrowed property, fine to \$300; imp. to 1 year, or both. Fraudulently hiring, fine to \$100; or jail to 6 months, or both.
Conducting business of fire insurance without authority.	.....do .....	.....do	Fine to \$500; imp. to 6 months, or both.
Unlawful use of Grand Army badge.	.....do .....	.....do	Imp. to 1 year; fine to \$500, or both.
Unlawful use of Loyal Legion badge.	.....do .....	.....do	To 30 days imp.; fine to \$20, or both. ^a
Regulating weight of baled hay or straw.	.....do .....	.....do	Fine to \$250; imp. h. l. to 6 months, or both.
Standard for "sterling silver."	.....do .....	.....do	
Selling goods registered in county clerk's office as "not to be sold."	.....do .....	.....do	Fine to \$300; imp. h. l. to 2 years, or both.

^a Notice difference in penalties for wearing G. A. badge or Loyal Legion badge.

MISCELLANEOUS MISDEMEANORS.

Cemetery corporations not to refuse burial by reason of color.	Misdemeanor.....	Provided by law....	Fine to \$500.
Jumping on and off cars....	.....do .....	.....do	Fine to \$25; county jail to 30 days.
Misdemeanors not provided for in this and other acts.	.....do .....	.....do	Imp. h. l. to 2 years, fine to \$500, or both.
Attempt to commit offenses.	.....do .....	.....do	Fine to \$1,000, imp. h. l. to 10 years.

NEW YORK.

1897 and 1898.

Felony defined.—A felony is a crime which is or may be punishable by either (1) death or (2) imprisonment in a State prison. (Penal Code 1889, sec. 5.) Any other crime is a misdemeanor. (Penal Code 1889, sec. 6.)

Punishment for felony.—A person convicted of a crime declared to be a felony, for which no other punishment is specially prescribed by this code or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment for not more than seven years or by a fine of not more than \$1,000, or by both. (Sec. 14.)

Punishment of misdemeanors.—A person convicted of a crime declared to be a misdemeanor, for which no other punishment is specially prescribed by this code or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in a penitentiary or county jail for not more than one year or by a fine of not more than \$500, or by both. (Sec. 15.)

Adirondack Park (chap. 220, p. 83, approved April 8, 1897).—Provides for the acquisition of land in Adirondack Park.

Sec. 20. For unlawfully cutting down, girdling, or despoiling trees the penalty is \$25 for every tree. The forest board may also sue for damages.

Jurors (chap. 346, p. 261, approved April 23, 1897).—Creates the office of commissioner of jurors for each of the counties of the State of New York having a population of more than 200,000 and less than 300,000.

Section 11 declares that any person refusing or neglecting to obey any lawful mandate of the commissioner of jurors, or shall willfully refuse or neglect to appear, or shall refuse to answer any question touching his qualifications as a juror, shall be deemed guilty of contempt of court, and shall be punished accordingly.

SEC. 12. Any person who shall do any act whereby he or any other person shall be placed upon the jury list, or omitted from it, shall be guilty of a misdemeanor.

Labor law (chap. 415, p. 461, approved May 13, 1897).—Section 3 constitutes eight hours a legal day's work. The section does not prevent an agreement for over-work for extra compensation.

SEC. 4. Officers or agents of the State or of a municipal corporation violating the provisions of this article relating to the hours of labor shall be guilty of malfeasance in office and may be suspended or removed. And a party contracting with the State or a municipal corporation and failing to comply with this provision shall forfeit such contract.

SEC. 11. A corporation failing to pay weekly the wages of an employee shall forfeit \$50 for each offense.

Illegal use of labels. The penalty for using, displaying, or keeping for sale counterfeits or colorable imitations of devices used by labor organizations is \$200.

Horse racing (chap. 446, p. 583, approved May 17, 1897).—Amends chapter 570, of the laws of 1895. Relates the right to hold race meetings.

SEC. 18. Any person who, upon any trotting or race course authorized by or entitled to the benefits of this act, shall make or record directly or indirectly any sale or purchase of any pool or interest therein on the result of any trial or contest of speed or power of endurance of horses taking place upon such trotting or race course shall forfeit the value of any pool or interests therein so wagered, received, or held by him to be recovered in a civil action by the person or persons with whom such sale or purchase of said pool or interest therein is made. This penalty is exclusive of all other penalties prescribed by law.

Section 12 provides that corporations or associations shall file a statement with the comptroller containing the name of the place and stating the time when such races are to be held, and shall execute to the people of the State a good and sufficient bond to be approved by the comptroller and filed in his office.

The amount of such bond shall be determined by the comptroller and shall be conditioned for the payment of the tax imposed by this section. Failure to file such bond and statement a misdemeanor.

Sale of passenger tickets (chap. 506, p. 637, approved May 18, 1897).—The penal code is amended by inserting a new section to be known as section 615. It forbids the sale of passage tickets on vessels and railroads except by agents especially authorized.

Section 616 restricts sales by authorized agents to the office designated in their appointment. Every person who has purchased a passage ticket from an authorized agent of the railroad company which shall not have been used or shall have been used only in part may, within thirty days after the date of the sale of said ticket, present the same for redemption at the general office of the railroad company which issued said ticket or at the ticket office where said ticket was sold or at the ticket office at the point to which the ticket has been used. It is made the duty of every railroad company to redeem such tickets. Every railroad company which shall wrongfully refuse redemption shall forfeit to the agreed party \$50, to be recovered in an action in any court of competent jurisdiction, together with costs.

Navigation (chap. 592, p. 682, approved May 19, 1897).—A navigation law relating to all steam vessels, excepting those which are subject to inspection under the laws of the United States, provides for the appointment of inspectors and defines their duties.

SEC. 8. No greater number of passengers shall be transported upon any licensed steam vessel than the number allowed in the certificate of such vessel, under penalty of \$10, to be paid by the master for each passenger in excess of the allowed number unless special permission is first obtained from the inspectors.

SEC. 10. The obstruction of passenger gangways by freight or otherwise is punishable by a fine of \$50.

SEC. 16. Interference with the safety valve or allowing the water to fall below the prescribed low-water limit of the boiler is punished by a fine of \$500.

SEC. 17. Whoever acts as master, pilot, or engineer without license shall be liable to a penalty of \$50 for each day that he so acts.

SEC. 19. Names of vessels and the port to which they belong must be painted on the stern: Penalty, \$50.

Section 23 forbids racing: Penalty, \$500.

Sec. 24. Every master of a steamboat or vessel who shall violate any of the preceding sections shall forfeit \$250 for each violation, unless a different penalty is prescribed.

Sec. 25. Owners are made responsible for the good conduct of the masters employed by them, and penalties incurred by such masters may be collected from them if not paid by the masters.

Sec. 28. No persons employing steamboats for towing shall receive any commission or compensation for any orders given to the owners, captain, or agent of such steamboat for such towage, and no person shall interfere with or hinder such owner, captain, or agent while in the prosecution of his business.

Penalty, \$50 for first and second offenses, and thereafter for each offense not less than \$100.

Section 35 prohibits obstructions in the Hudson River, or dumping or depositing of refuse: Penalty, \$50.

Sec. 36. Steamboats and tugs are forbidden to tow mud scows carrying mud, earth, soil, etc., to be deposited in the Hudson River: Penalty, \$200.

Sec. 37. Dampers in pipes and chimneys must be closed while passing near the cities and villages along the Hudson River, or while landing passengers or freight, to prevent the escape of sparks: Penalty, \$100.

Sec. 38. Rafts of lumber shall show two red lights at night, one at each end, at a height not less than 10 feet from the upper logs or planks: Penalty, \$50.

Sec. 50. Vessels are forbidden to be moored to buoys placed by the United States in the Niagara River: Penalty, \$100.

Section 51 prohibits the removal of gravel from beaches or shores: Penalty, \$200, to be forfeited to the town where the violation occurs.

Section 52 forbids the deposit of dead animals, garbage, etc., in Lake George or Schroom Lake: Penalty, \$100.

Section 53 forbids such similar deposits in the St. Lawrence River, except under prescribed conditions: Penalty, \$50.

Section 55 prohibits deposits of buttings, edgings, slabs, and other débris, except sawdust and planer shavings, from lumber mills in the Racket, Oswegatchie, or east branch of the St. Regis rivers: Penalty, \$50, to be sued for by any person aggrieved thereby.

Sec. 71. Obstruction of rivers by booms so as to delay the free passage of logs or timber to be prohibited: Penalty, \$50.

Care of records (chap. 253, p. 222, approved April 15, 1897).—Amends an act relating to the records of the Albany County clerk's office.

Section 8 makes it a misdemeanor on the part of any person not employed in the office to take from the receptacles in which they may be placed or contained any of the papers in such room.

Unlawful administration of anæsthetics.—An act to amend the Penal Code by adding a section to be known as section 412. (Chap. 42, p. 21, approved March 9, 1897.)

The new section added to Penal Code declares that a person other than a duly licensed physician or surgeon engaged in the lawful practice of his profession who has in his possession any narcotic or anæsthetic substance capable of producing stupor or unconsciousness, with intent to administer the same to another without his consent, unless by direction of a duly licensed physician, is guilty of a felony: Penalty, imprisonment in State prison not exceeding ten years.

Horseshoeing.—An act to amend chapter 271 of the Laws of 1896 entitled "An act to regulate the practice of horseshoeing in the cities of the State of New York having a population of 50,000 inhabitants or more." (Chap. 148, p. 57, approved April 1, 1897.)

Sections of this act provide for the registration of horseshoers and create a State board of examiners for the purpose of examining applicants desiring to practice horseshoeing as master or journeyman horseshoers, in each city affected by this act, as often as shall be necessary; and said board shall grant a certificate to any person showing himself qualified to practice, upon payment of fee of \$5 from person examined.

Presentation to county clerk for the purpose of registration of false affidavit or any certificate which has been fraudulently obtained, or practicing as a master or journeyman horseshoer without conforming to the requirements of this act, or violating or neglecting to comply with any of the provisions of this act, is declared a misdemeanor: Penalty, fine not exceeding \$25, or imprisonment not exceeding ten days, or both fine and imprisonment.

Purchasers of coal.—An act for the protection of purchasers of coal in cities of the first and second class, and providing for the enforcement thereof, and to repeal chapter 539 of the laws of 1888. (Chap. 174, p. 68, approved April 3, 1897.)

Section 1 fixes the legal weight of a ton as related to the sale or delivery of coal.

Selling a ton at less than legal weight is prohibited under penalty of fine not exceeding \$50.

Section 3 provides for the use of delivery tickets when coal contained in cart, wagon, or other vehicle is delivered in cities of the first or second class; and for bills of lading to be delivered when entire cargo of coal is delivered from vessel. Violation of provisions of this section subjects to penalty of fine not exceeding \$50.

Section 4 provides for designation of scales in cities of the first and second class for the purpose of weighing coal, owners of such scales being required to give bonds that the same shall be kept in such condition as at all times to properly register the weight of coal, and that the person weighing coal thereat shall perform his duties faithfully and furnish correct certificates to all persons having coal or coal vehicles weighed at such scales. Any owner of such scales, or any agent or representative of his, or any weighmaster employed by him, who shall be in any manner concerned in any fraudulent weighing of coal at such scales shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment for one year, or both fine and imprisonment.

Memorandum of every load of coal weighed at such scales shall be kept in book as herein provided.

Section 5 declares it be the right of every purchaser of coal in any cities of the first and second class, before accepting the delivery of the same, to have said coal weighed at any of the scales designated, provided such scales are within one-half mile of the place of loading or of the place of the delivery of the coal; and a certificate of the weight of such coal shall thereupon be furnished to the purchaser by the owner of the scales at which such coal is weighed.

Refusal of any seller of coal to permit coal purchased from him to be reweighed upon payment of amount sufficient to meet the charges for weighing, shall render the person, firm, or corporation selling the said coal liable to a penalty of fine not exceeding \$50.

Section 7 declares that a person guilty of altering, with intent to defraud, any original bill of lading, or of uttering any such bill of lading so altered, or who is guilty of making a false or fraudulent manifest, invoice, or bill of lading, or removing any part of cargo of coal without having the amount thereof certified to in writing on the said original bill of lading, is punishable by imprisonment in the State prison not exceeding three years or by fine not exceeding \$1,000, or both.

NOTE.—In former act, referred to above, giving short weight, which is the fraudulent weight of section 4 of this chapter, the penalty is fine not exceeding \$100 or imprisonment not exceeding thirty days, or both.

Injuries to railroad tracks or property.—An act to amend section 635 of the Penal Code relative to injuries to railroad tracks and other injuries to and interference with property. (Chap. 183, p. 75, approved April 6, 1897.)

The amended section declares that a person who willfully displaces, removes, injures, or destroys any railroad property, whether operated by steam, electricity, or other motive power, or places any obstruction upon the track of any such railway, or willfully destroys or breaks any signal guard, or willfully discharges a loaded firearm, or throws a stone or other missile at a railway train, car, or vehicle, standing or moving upon a railway, or removes or destroys any wire, insulator, pole, dynamo, motor, locomotive, or any part attached, appertaining to or connected with any railway operated by electricity, or willfully interferes with or interrupts any motive power used in running such road, or removes a journal brass from a car while standing upon any railroad track in the State of New York, without authority from some person who has a right to give such authority, is punishable as follows:

First, if thereby the safety of any person is endangered, by imprisonment not exceeding twenty years. Second, in every other case by imprisonment not exceeding five years.

NOTE.—Former penalty (see Penal Code of 1889) in first case, imprisonment not exceeding ten years; in second case, fine not exceeding \$250 or imprisonment not exceeding three years, or both.

Trusts, combinations, and monopolies.—An act to prevent monopolies in articles or commodities of common use, and to prohibit restraints of trade and commerce, providing penalties for violations of the provisions of this act, and procedure to enable the attorney-general to secure testimony in relation thereto. (Chap. 383, p. 310, approved May 7, 1897.)

Section 1 declares that contracts or combinations creating monopolies, whereby competition in the State of New York is restrained or prevented, or the free pursuit

of any lawful business, trade, or occupation is either restricted or prevented, is declared illegal and void.

Every person or corporation, or any officer or agent thereof making contracts or agreements in violation of the above, is declared guilty of a misdemeanor: Penalty, fine not exceeding \$5,000 or imprisonment not exceeding one year, or both fine and imprisonment, if offender is a person; if a corporation, fine not exceeding \$5,000.

The actions and proceedings by the attorney-general relative to the prevention of illegal acts as herein prohibited, are regulated.

NOTE.—Substantially new; penalty for corporation limited to fine is new feature of penalty.

Labor law.—An act to amend the Penal Code relative to violation of provisions of the labor law. (Chap. 416, p. 503, approved May 13, 1897.)

Section 384b of the Penal Code, as amended, prohibits dealing in convict-made goods without license as required by Article IV of the labor law relative to statement and mark or label upon goods. Removing or altering mark or label is prohibited. Violation, a misdemeanor: Penalty, fine from \$100 to \$1,000 or imprisonment not less than ten days, or both fine and imprisonment.

Section 447a, as amended, provides for furnishing secure scaffolding by persons or corporations for their employees. Negligence to conform with provisions, or hindering or obstructing any officer detailed to inspect scaffoldings, or destruction or defacement of any notice, or use of scaffolding after being declared unsafe, is deemed a misdemeanor.

Section 447c declares that a person violating the provisions of Article I of the labor law, relating to the completing or laying of floors, or the planting of such floors or tiers of beams, as the work of construction progresses, is declared guilty of a misdemeanor: Penalty, fine from \$25 to \$200 for each offense.

Section 384f of the Penal Code, as amended, declares that any person refusing or failing to furnish statistics to commissioner of labor statistics, or such information as may be required, is guilty of a misdemeanor: Penalty, fine from \$50 to \$200.

Section 384g declares that refusal to admit inspector to mines and quarries, and to comply with requirements of inspector is a misdemeanor: Penalty, fine not less than \$50 or imprisonment not less than thirty days.

Section 384h regulates the hours of labor to be required from employees working upon street, surface, and elevated railways, and in brickyards. Any person or corporation requiring more than the regulated hours as herein defined, or contrary to Article I of the labor law, in the operation of a line of railroad of 30 miles in length or over, in whole or in part within the State of New York, is guilty of a misdemeanor: Penalty, fine from \$500 to \$1,000 for each offense and forfeiture of contract.

Section 384i declares that any corporation or joint-stock association or person carrying on the business thereof, by lease or otherwise, who does not pay the wages of its employees in cash, weekly or monthly, as provided in Article I of the labor law, is guilty of a misdemeanor: Penalty, fine from \$25 to \$50 for each offense.

Section 384j provides for furnishing seats for female employees and declares it a misdemeanor for person employing females in factory or mercantile establishment to fail to furnish same.

Section 384k prohibits fees to be charged for services rendered by free public employment bureaus. Violation is declared a misdemeanor.

Section 384l declares that any person who violates the provisions of labor law relating to factories and the employment of children therein; to the manufacture of articles in tenements; to the employment of labor and the manufacture of flour or meal food products in bakeries or confectionery establishments; to the employment of women and children in mercantile establishments, is guilty of a misdemeanor: Penalty, fine from \$20 to \$100 for first offense; second offense, fine from \$50 to \$200 or imprisonment not exceeding thirty days, or both; third offense, fine not less than \$250 or imprisonment not exceeding sixty days, or both.

Section 384m prohibits illegal practice of horseshoeing, and declares that violation or neglect to comply with provisions for registration and obtaining certificate is a misdemeanor.

NOTE.—Former penalty for unlawful dealing in convict-made goods, fine from \$100 to \$1,000, or imprisonment from ten days to one year, or both.

Sections 447c, 384f to 384m, inclusive, are new.

Murder in first degree.—An act to amend the penal code by adding a section to be known as section 183a, relative to murder in the first degree. (Chap. 548, p. 649, approved May 18, 1897.)

The new section added declares that a person who willfully, by loosening, removing, or displacing a rail, or by any other interference, wrecks, destroys, or so injures any car, tender, locomotive, or railway train, or part thereof, while moving upon any railway in the State of New York, whether operated by steam, electricity, or other

motive power, as to thereby cause the death of a human being, is guilty of murder in the first degree and punishable accordingly.

Arson.—An act to amend section 489 of the penal code, relating to the punishment of arson. (Chap. 549, p. 649, approved May 18, 1897.)

As amended, the crime of arson is punishable in the first degree by imprisonment not exceeding forty years; in the second degree by imprisonment not exceeding twenty-five years, formerly fifteen years; in the third degree by imprisonment not exceeding fifteen years, formerly seven years.

Agricultural law.—An act to amend chapter 338 of the laws of 1893, entitled an act in relation to agriculture, constituting Articles I, II, III, IV, and V of chapter 33 of the General Laws, and the Penal Code, relative to violations of the agricultural law. (Chap. 554, p. 651, approved May 18, 1897.)

As amended, section 37 of chapter 338 of the laws of 1893 declares that every person violating any of the provisions of this article shall forfeit to the people of the State of New York the sum not exceeding \$100 for every such violation, and when such violation consists of the manufacture or production of any prohibited article each day or any part thereof during which such manufacture or production is continued shall be deemed a separate violation. When the violation consists of sale of prohibited article, the sale of each one of several packages shall constitute a separate violation, and each day of sale shall constitute a separate violation. When use of article is prohibited, each day or part thereof which said article is used or furnished for use shall constitute a separate violation.

Violation of any of the provisions of Article II of said chapter is declared a misdemeanor: Penalty, fine from \$25 to \$200 or imprisonment from one month to six months, or both fine and imprisonment, for first offense; for second offense, six months' imprisonment.

Violation of provisions of Article III of said chapter is declared a misdemeanor: Penalty, fine from \$50 to \$100, and forfeiture of \$100 to people of the State of New York.

Section 408a of the Penal Code as amended by this act declares that any person who disregards, disobeys, or violates any proclamation, notice, order, or regulation, lawfully issued or prescribed by the commissioner of agriculture, for the suppression or prevention of the spread of infectious or contagious diseases among domestic animals, or who violates any of the provisions of sections 80 and 82 of Article V of the agricultural law, is guilty of a misdemeanor.

NOTE.—New features: Penalties provided in section 37 as amended. In section 408a of the Penal Code as herein amended the penalty prescribed for misdemeanor is omitted.

Navigation law.—An act to amend the Penal Code in relation to offenses against the navigation law. (Chap. 584, p. 672, approved May 19, 1897.)

By this act two new sections are added to the Penal Code, designated as 359a and 359b, which declare that any person having the charge, command, or control of a steamboat vessel who permits a line used for the purpose of landing or receiving passengers to be attached in any way to the machinery of any steamboat; or permits a small boat used for the purpose of landing or receiving passengers to be hauled by means of such machinery; or who carries a greater number of passengers than is stated in certificate of such steamboat; or who willfully violates any of the provisions of section 11 of the navigation law; or who neglects to show on a vessel the lights required by section 12 of said navigation law; or who neglects to carry the lifeboats and life-preservers required; or who neglects to carry the steam fire pump required; or who in any way obstructs the safety valve of the boiler, or subjects boiler to greater pressure than is allowed, or hinders operation of any machinery employed to denote the stage of the water or steam in any boiler, or to give warning of approaching danger, or permits the water to fall below the prescribed limit of the boiler; or who acts or permits another to act as officer of a vessel without required license; or uses in lamps, or other lights on a vessel, oil which will not stand a fire test of at least 300° F.; or who receives commission or compensation for towage, or interferes with captain of towage vessel while in the prosecution of his business; or neglects to prevent escape of sparks and coals while passing near any of the villages or cities situated on the Hudson River, or while landing or receiving passengers or freight, or while lying at the docks or wharves thereof, is guilty of a misdemeanor. A person who violates any other provision of the navigation law for which no other punishment is prescribed is guilty of a misdemeanor.

Notes given for patent rights.—An act to amend the Penal Code relative to violation of the negotiable-instruments law. (Chap. 613, p. 758, approved May 19, 1897.)

The amended sections prohibit the sale or transfer of a promissory note consisting, in whole or in part, of the right to make, use, or sell any patent invention without having the words "Given for a patent right" written or printed on the face of such note. Also the sale or transfer of a negotiable instrument consisting, in whole or in part, of the purchase price of any farm product at a price greater by four or more times than the fair market value, or in which the consideration shall be, in whole or in part, membership of and rights in an association or company to produce or sell any farm product at a fictitious rate, or of a contract or bond to purchase or sell any farm product at such rate without having the words "Given for a speculative consideration" legibly written or printed on the face of such instrument.

Violation of the provisions of the above sections is declared a misdemeanor.

Nonpayment of taxes.—An act to abolish fine and imprisonment for nonpayment of taxes. (Chap 766, p. 809, approved May 22, 1897.)

By this act it is declared that a neglect or refusal to pay any tax shall not be punishable as a contempt, and fine and imprisonment for any such nonpayment is hereby abolished.

Midwifery in Chautauqua County.—An act regulating and restraining the practice of midwifery in Chautauqua County by others than legally authorized physicians. (Chap. 90, p. 78, approved March 22, 1897.)

Section 1 provides for the appointment of a board of examiners in midwifery in Chautauqua County.

The organization of said board, its meetings, and the character of its examination and licensing of candidates is regulated.

Any person who has received and recorded certificate from said board of examiners shall be designated as midwife and authorized to practice midwifery in said county of Chautauqua under certain restrictions herein specified.

Power to revoke said certificate on proper cause shown is allowed to said board of examiners.

Any person practicing midwifery without being duly authorized so to do under existing laws of the State of New York, or without having received and recorded the certificate provided for by this act, or who shall violate any of the provisions of this act, is declared guilty of a misdemeanor: Penalty, fine from \$50 to \$100 and forfeiture of certificate.

Distribution of advertising matter.—An act in relation to the distribution of advertising matter in the city of New York. (Chap. 298, p. 268, approved April 16, 1897.)

By this act any person, except an employee of the United States Post-Office Department in the performance of his duty as such employee, who shall deposit advertising circulars, cards, papers, or other matter in the letter boxes of flat houses or apartment houses in New York City, unless the same be inclosed in an envelope or wrapper superscribed with the name and address of the person for whom it is intended, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$5 or imprisonment not exceeding five days, or both.

Use of stoop lines.—An act to authorize the use of the stoop line in certain streets, avenues, and thoroughfares surrounding the public markets in the city of New York for the display and sale of all kinds of merchandise. (Chap. 318, p. 288, approved April 21, 1897.)

Section 1 declares that in public streets, avenues, and thoroughfares of the city of New York herein mentioned the space within the stoop line may be used only by the owner or occupant of the premises for the display and sale of merchandise and wares, except those referred to in subdivision 3 of section 86 of the New York City consolidation act, as amended by chapter 718 of the laws of 1896. This act does not affect rights or interests of occupants of stands abutting on the markets under permits heretofore granted. But renting to any person or corporation any part of the space within the stoop line of any such premises within said city for the display of goods is prohibited, also hiring or paying for any such space. Violation of this provision shall be deemed a misdemeanor.

This act does not authorize the use of stoop lines in certain specified streets, nor does it abridge powers of the Common Council of the city of New York over stoop lines for use by bootblacks, sale of newspapers, etc., as specified in subdivision 3 of section 86 of the New York City consolidation act, as amended by chapter 718 of the laws of 1896.

NOTE.—New as to streets specified in above act. Former legislation protected booths under elevated railroads within the limits of New York City.

Recovery of stolen property.—An act for the recovery of stolen property and the detection of theft in Chautauqua County. (Chap. 22, p. 39, approved February 25, 1898.)

SECTION 1. Five or more persons may become a membership corporation, pursuant to article two of the membership corporations law, for the recovery of stolen horses and other property, and for the detection and punishment of theft in Chautauqua County. Each member of such corporation shall contribute equally to the payment of all losses and proper expenses of such corporation, and the officers shall have power to assess annual dues therefor and collect the same as other debts due to the corporation. The sheriff of such county may, on request of the directors of such corporation, designate as deputy sheriffs, for the purposes of this act, such number of the members of such corporation as he deems advisable. The persons so designated shall have the same powers as constables of the towns in such county to make arrests for crimes committed therein, but shall not be entitled to any fees or other compensation therefor.

Abolition of fine and imprisonment for nonpayment of taxes (chap. 79, p. 141, approved March 16, 1899).—The act amends chapter 766 of the laws of 1897.

SECTION 1. Neglect or refusal to pay any tax shall not be punishable as a contempt or as misconduct; and no fine shall be imposed for such nonpayment, nor shall any person be imprisoned or otherwise punishable on account of nonpayment of any tax or of any fine imposed for refusal or neglect to pay such tax.

SEC. 2. This act shall not apply to proceedings supplementary to execution upon judgments recovered for taxes.

Justices' criminal docket (chap. 111, p. 213, approved March 23, 1898).—Every justice of the peace is required to keep a criminal docket, which shall be at all times open for inspection to the public. Such docket remains the property of the city. The minutes in the docket shall state the names of the witnesses sworn and their places of residence and every proceeding had before him.

Failure to make or exhibit such docket, misdemeanor; and in addition to the punishment provided by law for a misdemeanor shall forfeit his office.

Sale of paris green (chap. 113, p. 215, approved March 23, 1898).—It is made the duty of manufacturers of paris green to submit to the commissioner of agriculture a written or printed statement setting forth the amount of arsenic which said paris green contains, which statement shall be considered as constituting a guaranty to the purchaser that every package contains not less than the amount of arsenic set forth in the statement. Any person who fails to file the statement aforesaid shall not be entitled to deal in paris green within the State.

Violation, misdemeanor: Fine, \$50 to \$200, and in addition shall forfeit the sum of \$100, together with the costs of the suit in an action caused to be brought by the commissioner of agriculture as provided by section 8 of the agricultural law.

Transient retail merchants (chap. 141, p. 270, approved March 28, 1898).—Transient retail merchants are required to take a license.

Violation, misdemeanor: Upon conviction, fine \$100 to \$200, and in default of payment imprisonment not more than sixty days.

Failure to issue bill of lading (chap. 156, p. 300, approved March 29, 1898).—Amends the penal code by inserting a new section to be known as section 634 A. Any master, owner, or agent of vessel who causes such vessel to depart without giving to the shipper a bill of lading if demanded by him is guilty of a misdemeanor.

Registration and license of attorneys at law (chap. 165, p. 309, approved March 29, 1898).—Provides that every person admitted to practice as an attorney at law or as an attorney and counselor at law in the courts of record of the State must, before January 1, 1899, subscribe to an oath, the form of which is indicated. The oath must state when and where the person was authorized to practice. Any fraud or deceit or any false statement in the oath or affirmation is a felony.

Provision is made for the filing of said oath and to form therefrom in a bound volume by the clerk of the court of appeals an "official register of attorneys and counselors at law in the State of New York." It is made unlawful to practice after January 1, 1899, without taking and filing such oath.

Violation, misdemeanor, and it is the duty of district attorneys to prosecute all violations of this act.

Imitation maple sugar (chap. 194, p. 466, approved March 31, 1898).—Forbids the manufacture and sale of imitation maple sugar.

No penalty attached, but amends chapter 338, laws of 1893.

Registration of chiropodists (chap. 208, p. 498, approved March 31, 1898).—Amends chapter 864 of the laws of 1895, incorporating the Pedic Society of the State of New York.

Provides for board of examiners from such society to examine applicants for the certificate or diploma of said society permitting such applicant to practice chiropody within the State of New York.

Chiropodists practicing within the State of New York from June 3, 1895, are made eligible to membership in said society and are entitled to a certificate entitling the person to practice chiropody within the State upon first filing the same with the county clerk of the county in which such person resides or has his office.

Section 14 prohibits fraudulent certificates or the practice of chiropody without conforming to the requirements of this act.

Violation, misdemeanor: Penalty, fine \$50 to \$100 or imprisonment thirty days to one year, or by both fine and imprisonment.

Militia laws (chap. 212, p. 508, approved April 2, 1898).—The act is an elaborate one, covering nearly eighty pages in the statutes, and prescribing the organization of the militia.

The possible military penalties by courts martial belong to the military code and are not noticed here.

Section 175 forbids the unlawful conversion of military property, the unlawful wearing of uniforms, and devices indicating rank.

Violation, misdemeanor; in addition thereto fine \$100 for each offense, to be sued for the name of the people by a judge-advocate.

Sec. 176. Commanding officers have authority to place trespassers and disturbers under arrest, and may prevent the sale of spirituous liquors or huckster sales and gambling within the limits of the post, camp ground, or drill.

Section 177 prohibits military parades by unauthorized bodies.

Violation, misdemeanor.

Public administrator (chap. 230, p. 656, approved April 12, 1898).—The act prescribes in detail the powers and duties of the public administrator of the county of New York.

Section 28 prescribes a penalty of \$500 for neglect of the administrator to render or publish such statement or such reports as hereinbefore required.

Section 33 requires hotel, boarding house, or lodging house keepers to report to the public administrator the name of every person not a member of his family who shall die in his or her house within twelve hours after such death. Coroners and undertakers are also required to report to the public administrator.

Violation, misdemeanor: Penalty, imprisonment in penitentiary not less than one month nor more than six, or fine of \$100, half of which goes to the informer, the other to be paid into the city treasury.

Placing out of children (chap. 264, p. 780, approved April 14).—An act to prevent evils and abuses in connection with the placing out of children.

Section 2 makes it unlawful to place out destitute children without a license, except duly incorporated societies or a local officer charged with the relief of the poor; but the latter shall not place out any child in a family not residing within the State. The State board of charity is authorized to issue licenses. Certain records are required to be kept by persons or corporations placing out destitute children, and visitation by State board of charities is provided for. Whenever the State board of charities decides by an affirmative vote of a majority of its members that any person or corporation has placed out children for purposes of gain or without due inquiry as to the character and reputation of the persons with whom such children are placed, said board may issue an order prohibiting such person or corporation from thereafter placing out children. Aggrieved persons or corporations may appeal to the supreme court.

Violation, misdemeanor: Penalty, fine \$50 to \$250.

Who may practice in the courts of New York City (chap. 316, p. 939, approved April 19, 1898).—Amends section 63 of the code of civil procedure and forbids any person to practice as an attorney in a court or before a magistrate in New York City unless he has been regularly admitted to practice in the courts of record of the State.

Violation, misdemeanor: Penalty, imprisonment in county jail not exceeding one month or fine from \$100 to \$250, or by both such fine and imprisonment. A judge, justice, or magistrate within the city of New York who knowingly permits to practice in his court a person who has not been regularly admitted to practice in the court of record in the State is guilty of a misdemeanor, and shall be punished as above.

Application of poison to fruit trees (chap. 325, p. 948, approved April 19).—Forbids any person to spray with or apply poison to fruit trees while the same are in blossom.

Violation, misdemeanor: Fine, \$10 to \$50.

Stamping or marking silver (chap. 330, p. 951, approved April 20, 1898).—Amends section 364a of the Penal Code.

Section 364a requires that articles sold as "sterling" or "sterling silver" shall consist of nine hundred and twenty-five one-thousandths of pure silver.

Violation, misdemeanor.

Section 364b requires that merchandise branded as "coin" or "coin silver" shall consist of nine hundred one-thousandths of pure silver.

Subsequent sections of the law apply the same standard to articles made of the same metal soldered together or to mountings of silver marked, respectively, "sterling" or "coin silver." All such violations are declared to be misdemeanors.

Six new sections are added to the Penal Code, so as to cover the various uses of silver affected by this chapter.

The succeeding chapter (chap. 331, p. 954, approved April 20, 1898) relates to proceedings based on violations of chapter 330. It proves that magistrates may issue summons on information, and for an investigation of charges. Manufacturers and dealers may file bond in the penal sum of \$5,000, conditioned for faithful compliance with the sections enumerated in chapter 330. It is made the duty of the attorney-general, upon satisfactory proof of violation, to recover as liquidated damages the whole of the sum specified unless the principal shall already have been convicted in a criminal prosecution for the same violation. If, however, at any time before the recovery of judgment upon such forfeiture the principal shall appear before the magistrate who issued such warrant or summons, so that the charge against him may be duly examined and proceeded with criminally, any proceedings before the attorney-general shall be discontinued.

Relief of indigent soldiers and sailors (chap. 337, p. 978, approved April 20, 1898).—Amends chapter 295 of the law of 1896. Provides that Grand Army posts which may assume charge of poor veterans may file notice with the clerk of the town, city, or county to that effect, and with the comptroller in cities of the first class. It provides for quarterly reimbursements to the posts upon proper vouchers.

Willful false swearing to such a voucher shall be deemed perjury, and shall be punished as such.

Practice of dentistry (chap. 355, p. 1019, approved April 20, 1898).—Amends first paragraph of article 9, chapter 661, laws of 1893; regulates the practice of dentistry; requires license on certification or board of dental examiners.

Violation, misdemeanor: First offense, fine not less than \$50; subsequent offense, fine to \$100, or by imprisonment not less than two months, or by both fine and imprisonment.

Every practitioner of dentistry must display in a conspicuous place upon the house or in the office wherein he practices his full name. If there are more chairs than one in any office or "dental parlor," the name of the practitioner using each chair must be displayed on or by said chair in plain sight of the patient.

Violation of either of these requirements, a misdemeanor: Penalty, the same as above for first or subsequent convictions.

Trotting and pacing horses—Fraudulent entries and practices in contests of speed (chap. 394, p. 1089, approved April 21, 1898).—The penal code is amended by adding a new section, to be section 384c. The section consists of three paragraphs, which together forbid any trotting or pacing horse, mare, gelding, colt, or filly to be entered under an assumed name, or to be painted or disguised or represented to be a different horse, or to be entered out of its proper class. The prohibition extends to drivers as well as to owners of such horses, or to any other person.

Violation, misdemeanor: Penalty, fine not less than \$500 nor more than \$1,500 or imprisonment not more than one year, or both.

Adulteration of linseed or flaxseed oil (chap. 412, p. 1110, approved April 22, 1898).—Forbids the manufacture of compounds and their sale as "linseed oil" or "flaxseed oil" in lieu of the pure article.

Violation, misdemeanor. Fine not less than \$50 nor more than \$500. In default of payment, county jail to thirty days.

Any person or firm violating any provisions of the act shall, in addition to the fine above, forfeit for each offense a fixed penalty of \$100, such penalty to be recovered, with costs, in an action by the commissioner of agriculture or any of his assistants and devoted to the payment of the expenses of that Department.

Private detectives and detective agencies (chap. 422, p. 1120, approved April 22, 1898).—Requires detective agencies to obtain a license for a fee of \$100, to execute a bond in the sum of \$2,000, conditioned for the faithful and honest conduct of such business. Two or more persons forming copartnership shall pay a license fee of \$150, with bond of \$3,000.

Violation, misdemeanor.

Stopping at grade crossings (chap. 466, p. 1174, approved April 22, 1898).—Amends section 36 of chapter 565, laws of 1890. Requires all trains to come to a full stop at grade crossings not less than 200 feet from the same. The full stop may be discontinued if the railroad commissioners shall decide it to be impracticable, or if, with the approval of the commissioners, an interlocking switch and signal apparatus is adopted and put in operation at such a crossing.

An engineer violating the foregoing provisions shall be liable to a penalty of \$100, and any corporation or person operating the railroad violating these provisions is liable to a penalty of \$500.

No railroad shall stop its cars, horses, or locomotives upon a grade crossing of a railroad of another corporation for the purpose of receiving or delivering passengers or freight or other purpose.

Violation, liable to penalty of \$250.

To protect navigation in tide waters (chap. 469, p. 1178, approved April 22, 1898).—Provides that whenever a municipal corporation shall divert a fresh-water stream flowing into a tide-water creek or estuary, which creek before the diversion was navigable for vessels of twenty or more tons, it shall be the duty of the corporation so diverting to keep said navigable tide-water creek deepened to the depth of at least 3 feet at low-water mark from its mouth to the head of tide water.

Penalty for failure to maintain the navigable depth, \$50 a day for each day such diversion is continued.

Diseased fruit trees (chap. 482, p. 1192, approved April 22, 1898).—Relates to the extirpation of insect pests and prescribes certain duties for the commissioner of agriculture and his agents. Nursery stock to be inspected and certificates rendered.

Violation, misdemeanor.

Hawkers and peddlers (chap. 538, p. 1278, approved April 26, 1898).—Amends chapter 569 of the laws of 1890.

The town board of any town may prohibit hawking of goods without license, not to apply to those who obtained licenses from the county clerk.

Penalty for peddling without license, \$25. Refusal to produce the license a misdemeanor.

To regulate practice of embalming (chap. 555, p. 1299, approved April 26, 1898).—Establishes a board of embalming examiners; 5 members appointed by governor. No person eligible unless he has had five years' experience as practical embalmer. The board to date from July 1, 1898. The board shall secure from 5 well-known physicians of the State their opinions as to what constitutes the best tests for determining whether life is extinct. The board shall prescribe the using of such tests, based upon their report, before embalming.

The board shall submit to the State board of health immediately after its first meeting lists of examination questions for the thorough examination of applicants for license as embalmers. Said examination questions shall pertain to embalming, sanitation, and disinfection of bodies dying of contagious disease, apartments, bed clothing, etc. The State board of health shall also prescribe the mode and manner of such examination. Provision is made in the licensing of persons already engaged in the business. After January 1, 1899, transaction of business without a license prohibited. This does not apply to commissioned medical officers of the Army of the United States or in the United States Marine Hospital, or to the resident medical staff of any legally incorporated hospital.

Agricultural law (chap. 558, p. 1305, approved April 26, 1899).—Amends section 37 of chapter 338 of the laws of 1893.

Relates to penalties for the violation of sections relating to prohibited articles.

Every person violating any of the provisions of articles two and three shall forfeit to the people of the State of New York a sum not less than twenty-five dollars nor more than one hundred dollars for every such violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, or the offering or exposing for sale or exchange, of any prohibited article or substance, the sale of each one of several packages shall con-

stitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation of this article. When the use of any such article or substance is prohibited, each day during which or any part of which said article or substance is so used or furnished for use shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of articles two and three of said chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months, or by both such fine and imprisonment, for the first offense; and by six months' imprisonment for the second offense.

Dishonest representations in advertisements (chap. 657, p. 1508, approved April 30, 1898).—Section 1. Any firm, person, corporation, or association of persons, or any employee of such or any of such, who, in the newspapers or other periodicals of this State, or in public advertisements, or in communications intended for a large number of persons, knowingly makes or disseminates any statements or assertions of facts with respect to his, its, or their business affairs concerning the quantity, the quality, the value, the price, the method of production or manufacture, or the fixing of the price of his, its, or their merchandise or professional work, or the manner or source of purchase of such merchandise, or the possession of awards, prizes, or distinctions, or the motive or purpose of a sale intended to have the appearance of an advantageous offer, which is or are untrue or calculated to mislead, shall be guilty of a misdemeanor.

Transfer tickets upon street railroads (chap. 663, p. 1536, approved April 30, 1898).—SECTION 1. The penal code is amended by inserting therein a new section, to be known as section six hundred and nineteen a, and to read as follows:

§ 619a. No transfer ticket or written or printed instrument giving, or purporting to give, the right of transfer to any person or persons from a public conveyance operated upon one line or route of a street surface railroad to a public conveyance upon another line or route of a street surface railroad, or from one car to another car upon the same line of street surface railroad, shall be issued, sold, or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell, or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument, or shall sell or give away such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage after the time limited for its use shall have expired, shall be guilty of a misdemeanor.

Vagrants and tramps (chap. 664, p. 1537, approved April 30, 1898).—The code of criminal procedure is amended by adding a new section, to be section 889:

889. *Examination as to residence.*—When complaint is made to any magistrate by any citizen or peace officer against a person under section 1, 5, or 6 of section 887, the magistrate must, upon the examination of such person, cause testimony to be taken as to his residence, and if it appears that such person has not resided in the county for a period of six months prior to his arrest, such magistrate shall not commit such person as a vagrant, as provided by this article; but if he finds that such person is guilty of an offense charged in one of the subdivisions, and such person is not blind or under 16 years of age, the magistrate shall adjudge him to be a tramp, and commit him to a penitentiary, as required by law. On such examination the uncorroborated testimony of the defendant as to his place of residence shall not be deemed sufficient proof thereof.

Sections 891 and 892 as amended prescribe that the magistrate must sign a form of certificate of conviction, constituting a record of conviction, to be filed in the office of the county clerk, and must commit the vagrant if not a notorious offender to the almshouse of the city, village, or town for not exceeding six months of hard labor, or if the vagrant be an improper person to be so committed he must be committed for a like term to the county jail.

The code of criminal procedure is amended by adding a new section, to be section 887a, as follows:

Sec. 887a. *Tramp defined.*—A tramp is any person, not blind, over sixteen years of age, and who has not resided in the county in which he may be at any time for a period of six months prior thereto, who—

1. Not having visible means to maintain himself, lives without employment; or
2. Wanders abroad and begs, or goes about from door to door, or places himself in the streets, highways, passages, or public places to beg or receive alms; or

3. Wanders abroad and lodges in taverns, groceries, alehouses, watch or station houses, outhouses, market places, sheds, stables, barns, or uninhabited buildings, or in the open air, and does not give a good account of himself.

The act does not apply to cities of the first and second class.

Fraudulent representation on labor organizations (chap. 671, p. 1547, approved April 30, 1898).—Section 1. Any person who represents himself or herself to be a member of or who claims to represent a labor organization which does not exist within the State at the time of such representation, or who has in his or her possession a credential, certificate, or letter of introduction bearing a fraudulent seal, or bearing the seal of a labor organization which has ceased to exist, and does not exist at the time of such representation, and attempts to gain admission by the use of said credential, certificate, or letter of introduction, as a member of any convention, or meeting of representatives of labor organizations of the State, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty dollars nor more than fifty dollars, and imprisonment for not less than ten days nor more than thirty days in the jail of the county wherein such conviction is had, or by both such fine and imprisonment.

Primaries and conventions.—An act to amend sections 41 and 41a of title 5 of chapter 676 of the laws of 1881, as amended, entitled the Penal Code of the State of New York, relating to primaries and conventions. (Chap. 255, p. 120, approved April 15, 1897.)

As amended, section 41 declares it a misdemeanor at political caucuses, primaries, and conventions to vote illegally, to influence voters by bribery, or to obstruct or hinder in his voting any person who is entitled to vote, to commit any fraudulent act which shall affect the result of election; for any officer, teller, or canvasser to refuse or neglect to do any act required by the election law, or to refuse to permit any person to do any act authorized thereby, or to make or attempt to make any false canvass of the ballots cast at such caucus, primary, or convention, or statement of the result of a canvass of the ballots cast thereat; for any person to induce or attempt to induce any officer, teller, or canvasser of such caucus, primary, or convention to do any act in violation of his duty, or by offering to pay money or other valuable thing to induce any voter to vote or refrain from voting, to receive money or other valuable thing for voting or refraining from voting for or against any person. Such misdemeanor shall be punishable by imprisonment not exceeding one year.

Section 41a declares that any person who causes his name to be placed upon any list or register of voters in more than one election district for the same election or upon a list or register of voters knowing that he will not be a qualified voter in the district at the election for which such list or register is made, or who causes his name to be placed upon the rolls of a party organization of one party while his name is by his consent or procurement upon the rolls of a party organization of another party, or aids or abets any such act, is punishable by a fine of \$500 and imprisonment not exceeding five years.

Election law (chap. 379, p. 277, approved May 6, 1897).—Amends chapter 909 of the laws of 1896, known as the election law.

Section 10 forbids any building or part of building to be used for registry and voting if within thirty days before such designation intoxicating liquors, ale, or beer have been sold in any part thereof. No intoxicating liquors shall be sold in such building after such designation and before the general election next thereafter, or be allowed in any room in which the election is held during the day of the election or the canvass of the votes. Violation, misdemeanor.

Section 12 relates to the duties of election officers. A chairman who shall willfully make a false certificate shall be deemed guilty of a misdemeanor.

Every person appointed as an election officer failing to take the oath of office or willfully neglecting the discharge of duties to which he was appointed shall, in addition to the other penalties prescribed by law, be liable to a fine of \$100.

Automatic ballot machines (chap. 168, p. 315, approved March 29, 1898).—Provides that cities, towns, or villages may adopt said machine, and prescribes rules for their regulation.

Section 13 makes the tampering with such machines or the intentional impairing of their use or any attempt at dishonest practice upon any such machine a misdemeanor.

Violation, misdemeanor: Penalty, fine to \$1,000 or imprisonment to five years, or both.

Political caucuses, elections, etc.—An act to amend section 41 of the Penal Code of the State of New York, relating to political caucuses, primary elections, conventions, and enrollments. (Chap. 197, p. 469, approved March 31, 1898.)

Section 41 of the Penal Code is amended so as to read as follows:

SEC. 41. Misdemeanors at, or in connection with, political caucuses, primary elections, enrollment in political parties, committees, and conventions. Any person who—

1. At a political caucus, or at a primary election of a party, willfully votes, or attempts to vote, without being entitled to do so, or votes, or attempts to vote, on any name other than his own, or more than once on his own name; or

2. Votes, or offers to vote, at a political caucus or at a primary election of a party, having voted at the political caucus or primary election of any other political party on the same day, or being at the time enrolled in a party other than the party at whose primary he votes or offers to vote; or

3. At a political caucus, or at a primary election, for the purpose of affecting the result thereof, votes or attempts to vote two or more ballots, or adds, or attempts to add, any ballot to those lawfully cast, by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or who adds to or mixes with, or attempts to add to or mix with, the ballots lawfully cast, another ballot or other ballots before the votes have been counted or canvassed, or while the votes are being counted or canvassed; or at any time abstracts any ballots lawfully cast, with intent to change the result of such election or to change the count thereat in favor of or against any person voted for at such election, or to prevent the ballots being recounted or used as evidence; or carries away, destroys, loses, conceals, detains, secretes, or mutilates, or attempts to carry away, destroy, conceal, detain, secrete, or mutilate, any tally lists, ballots, ballot boxes, enrollment books, certificates of return, or any official documents provided for by the primary election law or otherwise by law, for the purpose of affecting or invalidating the result of such election, or of destroying evidence; or in any manner interferes with the officers holding any primary election or conducting the canvass of the votes cast thereat, or with voters lawfully exercising, or seeking to exercise, their right of voting at such primary election; or

4. For the purpose of securing enrollment as a member of a political party, or for the purpose of being allowed to vote at a primary election as a member of a political party, makes and files, or makes or files with the board of primary inspectors, or with any public officer or board, a false declaration of party affiliation or residence, or falsely answers any pertinent question asked him by the board of primary inspectors, or the board of election inspectors, or by a member thereof; or knowingly, on any day of registration or in the interval between any such day and the next ensuing day of general election, reveals or discloses the names or number of the enrolled electors of any party, or makes, publishes, or circulates a list of such names, or of any thereof, or does or permits any act by which the name of the party with which an elector has enrolled, or the number of electors enrolled with a party, may be disclosed; or

5. Fraudulently or wrongfully does any act tending to affect the result of any election at a political caucus or of any primary election or convention; or

6. Induces or attempts to induce any officer, teller, canvasser, or primary election inspector, at a political caucus, or primary election or convention, to do any act in violation of his duty, or in violation of the election law or the primary election law; or

7. Directly or indirectly, by himself or through any other person, pays, or offers to pay, money or other valuable thing, or promises a place or position, or offers any other consideration or makes any other promise, to any person, to induce any voter or voters to vote, or refrain from voting, at a political caucus, primary election, or convention for or against any particular person or persons; or does or offers to do, anything to hinder or delay any elector from taking part in, or voting at, a political caucus, or at a primary election; or

8. By menace or other unlawful or corrupt means, directly or indirectly, influences or attempts to influence the vote of any person entitled to vote at a political caucus, primary election, or convention, or obstructs such person in voting or prevents him from voting thereat; or

9. Directly or indirectly, by himself or through any other person, receives money or other valuable thing, or a promise of a place or position, before, at, or after any political caucus, primary election, or convention, for voting or refraining from voting for or against any person, or for voting or refraining from voting at a political caucus, primary election, or convention; or

10. Being an officer, teller, canvasser, primary inspector, at a political caucus, or at a primary election, knowingly permits any fraudulent vote to be cast, or knowingly receives and deposits in the ballot box any ballots offered by any person not qualified to vote; or

11. Being an officer, custodian of primary records, election inspector, poll clerk, primary inspector, knowingly enrolls, or attempts to enroll as a member of a political party upon any of the enrollment books, any person not qualified to enroll as such, or fraudulently enters thereupon the name of any person who has not enrolled as a member of any political party, or refuses or willfully neglects to enroll upon any of the enrollment books the name of any qualified person who has demanded to be enrolled as a member of a political party, or at any time strikes from any of the enrollment books the name of any person duly enrolled, or at any time adds to any of the enrollment books the name of any person not qualified to be enrolled as a member of a political party, or the name of any person who in fact has not enrolled as such, or mutilates, alters, or destroys, any statement or declaration made by a qualified voter for the purpose of enrolling as a member of a party; or

12. Being an officer, teller, canvasser, election inspector, primary inspector, or custodian of primary records, willfully omits, refuses, or neglects to do any act required by the primary election law or otherwise by law, or violates any of the provisions of the primary election law, or makes or attempts to make any false canvass of the ballots cast at a political caucus, primary election, or convention, or a false statement of the result of a canvass of the ballots cast thereat; or

13. Being a custodian of primary records, or an officer of a political committee, or of a convention, who is charged with, or assumes the duty of, making up the preliminary roll of any convention, willfully includes in such roll the name of any person not certified to be elected thereto in accordance with the provisions of law, or who willfully omits from such roll the name of any person who is so certified to be a delegate to such convention;

Is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

Liquor law.—An act to amend chapter 112 of the laws of 1896, entitled an act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter 29 of the General Laws. (Chap. 312, p. 207, approved April 20, 1897.)

The amended sections of this act define the terms "liquors," "association," and "trafficking in liquors," within the meaning of this act, and provide for the appointment of a State commissioner of excise, deputy commissioner, secretary and clerks, special deputy commissioners in each of the counties of the State of New York containing a city of the first class, special agents and attorneys, whose duties are herein defined and regulated relative to the traffic of liquors in the State of New York.

Provision is made for the levy of excise taxes upon the business of trafficking in liquors, which shall be of six grades, as herein prescribed, and it is declared to whom said taxes shall be paid and how they shall be distributed.

Local option is provided for, determining whether liquor shall be drunk on the premises where sold or not; whether liquor shall be sold by a pharmacist on a physician's prescription or by hotel keepers.

Statements to be made upon application for liquor-tax certificates are regulated; also bonds to be given.

Provision is made for posting liquor-tax certificates, and restrictions are laid upon the traffic in liquors in connection with other business, persons who shall not traffic in liquors and persons to whom a liquor-tax certificate shall not be granted being here enumerated. Places in which traffic in liquor shall not be permitted are enumerated, and provision made for the surrender and cancellation of liquor-tax certificates. The voluntary sale of a liquor-tax certificate is regulated, and the right of a writ of certiorari is declared upon refusal to issue or transfer liquor-tax certificates, and of the revocation and cancellation of such certificates.

The injunction for unlawfully trafficking in liquors or without liquor-tax certificate is regulated.

Persons to whom liquor shall not be sold or given away are enumerated, and other illegal sales and selling are defined.

Section 34, as amended, provides the penalties for violation of this act as follows: Any corporation, association, copartnership, or person trafficking in liquors who is prohibited from so doing, or who so traffics without having lawfully obtained liquor-tax certificate, or contrary to the provisions of local option, or who shall neglect or refuse to make application for certificate, or give bond or pay tax imposed as required by this act, shall be guilty of a misdemeanor: Penalty, fine from \$200 to \$1,000, provided such fine shall equal at least the amount of tax for one year, and imprisonment in county jail or penitentiary not exceeding one year.

False statement in application required to obtain liquor-tax certificate or transfer thereof, or violation of provisions of excise taxes, of restrictions imposed in con-

nection with business or otherwise, or concerning persons to whom liquors shall not be sold or given away, or otherwise illegally selling liquors, is declared a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment in county jail or penitentiary not exceeding one year, or both fine and imprisonment, with forfeiture of liquor-tax certificate and deprivation of all rights and privileges thereunder.

The jurisdiction of courts and reports of magistrates, collection of fines and penalties, and forfeitures of bonds, the duties of public officers in relation to complaints and prosecutions is regulated.

Any person intoxicated in a public place is declared guilty of a misdemeanor, and may be arrested without warrant while so intoxicated and punished by fine from \$3 to \$10, or imprisonment not exceeding six months, or both fine and imprisonment. The purchase or procurement of liquor for any person to whom it is forbidden to sell liquor is declared a misdemeanor: Penalty, fine not less than \$10, or imprisonment not exceeding six months, or both fine and imprisonment.

NOTE.—Above act embraces former legislation, with new features not materially affecting penalties.

Onondaga salt reservation (chap. 261, p. 123, approved April 15, 1897).—The various penalties found in this law are presented in chapter 27, page 44, of the laws of 1898, and are not, therefore, given here.

Salt springs law (chap. 27, p. 44, approved February 25, 1898).—Amends chapter 684 of the laws of 1892.

Prescribes rules and regulations for the manufacture of salt on the Onondaga reservation owned by the people of the State.

SEC. 9. The superintendent may prescribe specific penalties, not exceeding \$100, for each offense for any violation of the rules and regulations established by him.

SEC. 10. The superintendent shall suspend for such length of time as he may deem proper, not exceeding three months at any one time, the right of any salt manufacturer to carry on his manufactory if such manufacturer shall habitually neglect the rules and regulations prescribed by the superintendent or by law, or shall be in the habit of making bad salt, or if the quantity of salt inspected from his manufactory shall be found materially less than is usually produced from a manufacturer of the same capacity of kettles for the time it is actually in operation.

Section 13 provides for the inspection of salt. No salt shall be removed until inspected. Every person so removing or attempting to remove any salt shall forfeit to the State said salt, with the bag, barrel, or other vessel in which it shall be contained, and \$5 for every bushel. The boat, vessel, or other vehicle in which the same shall be removed shall be liable to the payment of such penalty.

SEC. 14. The superintendent or any of his deputies may sell salt thus seized at public auction after six days' notice, and boats, vessels, or other vehicles may be retained until determination of any suit which may be brought for the penalty so imposed. The owner of the property so seized may obtain possession by giving a bond to the superintendent with sureties for the return of such property if judgment for the plaintiff shall be recovered in suit brought for the forfeiture.

Section 17 relates to damaged salt. It is forbidden to mix it with other salt which is to be ground or prepared as table salt, or for the packing of provisions, nor shall it be packed in a manner calculated to deceive an innocent purchaser as to its real quality. If packed in barrels in the ordinary manner it shall be branded in plain letters "second quality." Penalty for violation, \$100, and the maker and manufacturer whose name is branded on any such barrel or painted on any such sack shall forfeit to the purchaser the sum of \$1 for each bushel so found inferior.

Section 18 prohibits salt manufacturers or others from putting deleterious ingredients into the salt water: Penalty, fine of \$50.

SEC. 23. When a boat laden with salt is sunk in a canal such salt shall not be disposed of in the original package. It shall not be packed in barrels bearing the inspector's brand nor shipped beyond the bounds of the State: Penalty, \$250 for every violation.

SEC. 26. Barrels or sacks in which salt shall have been packed and inspected shall not again be used for the packing of salt until the marks or brands made by the superintendent shall be first effaced: Penalty, fine of \$5 for every bushel so packed.

Section 32 forbids the opening of communication between any salt work and the logs or conduits leading to the State reservoirs without the consent of the superintendent or one of his deputies: Penalty, \$100 for each violation.

LAWS RELATING TO BICYCLES.

Bicycle paths.—An act to amend section 652 of the Penal Code, relative to side paths. (Chap. 267, p. 140, approved April 15, 1897.)

As amended, a person who willfully and without authority and necessity drives any

team, vehicle, cattle, sheep, horse, swine, or other animal along upon a sidewalk is punishable by a fine of \$50, or imprisonment in county jail not exceeding thirty days, or both.

A person who willfully or without authority or necessity drives any team or vehicle, except a bicycle, upon a side path or wheel way, constructed by or exclusively for the use of bicyclists, and not constructed in a street of a city, is punishable as above.

NOTE.—New feature: Concerning bicycle paths.

Chautauqua County (chap. 343, p. 314, approved April 23, 1897).—Sections of this act provide for the construction and maintenance of bicycle paths not over 6 feet in width within the limits of the highways in Chautauqua County. Said paths shall not interfere with that portion of the highway in use by teams and vehicles, and any and all crossings of the highway shall be constructed at grade; said paths or wheel ways to be constructed as nearly on a grade with the highways as the grade and condition of the lands on the sides thereof will permit.

The use of said paths is restricted to bicycles, tricycles, and pedestrians.

Placing upon any part of said paths or wheel way any substances injurious to bicycle tires, and injuring or obstructing any of the said paths, leading or driving animals thereupon, and drawing or placing wagons or other conveyances on any portion of said paths or wheel ways is prohibited.

Violation of provisions, a misdemeanor.

Cattaraugus County (chap. 45, p. 95, approved March 9, 1898).—Authorizes construction of bicycle paths in Cattaraugus County and forbids injury or obstruction by placing upon them substances injurious to bicycle tires, and forbids the driving of horses or other animals or the drawing of wagons, sleighs, etc., upon such paths.

Violation, misdemeanor.

Monroe County (chap. 71, p. 131, approved March 16, 1898).—The act provides for a license for bicycles, to be attached to the same, on payment of a fee of 25 cents, and to be valid for one year. The license fees thus obtained shall constitute a "side-path fund" for the repairing of existing side paths and the construction of new ones.

It is made a misdemeanor to ride upon these side paths without license, and is also a misdemeanor to injure or obstruct them.

Albany County (chap. 224, p. 597, approved April 7, 1898).—A similar law, relating to Albany County, but somewhat more elaborate. A license for bicycles may be from 50 cents to \$1. Penalty for unlawful riding upon side path or violating rule of side-path commissioners, \$5. Obstruction or injury of the side path, misdemeanor.

Columbia County (chap. 277, p. 860, approved April 19, 1898).—This act authorizes any individual or individuals, corporation, or bicycle club, with the consent of any one of the commissioners of highways of the town, to construct bicycle paths not over 8 feet in width within the limits of the highways, outside of the main-traveled portion thereon, in any or all towns of Columbia County. Injuring or obstructing such paths prohibited. Violation, misdemeanor.

NOTE.—This act differs from those above, as no license is required from bicyclists for a side-path fund, and construction is not undertaken by the commissioners.

PROTECTION OF WATER SUPPLY.

Genesee River Company (chap. 605, p. 1405, approved April 29, 1898).—Incorporates the Genesee River Company and authorizes said company to construct and use a dam or reservoir near Portageville for improving and preserving the public health, checking floods, furnishing water for the enlarged Erie Canal, and for municipal purposes, etc.

Section 21 provides that anyone who shall maliciously injure the works of said company or who shall maliciously do any act which shall injuriously affect the waters of said company shall be guilty of a misdemeanor, may be punished by fine or imprisonment, or by both, in the discretion of the court, and shall forfeit and pay to said company or to any person or persons injured thereby treble damages.

Oswego Waterworks Company (chap. 129, p. 248, approved March 28, 1898).—Amends chapter 397 of the laws of 1863 incorporating the Oswego Waterworks Company as amended by various other acts.

SEC. 17. Malicious injury to property or pollution of waters, misdemeanor, punishable by fine or imprisonment, or by both, in the discretion of the court, and shall forfeit and pay to the company treble damages sustained thereby.

Ogdensburg.—An act for the sanitary protection of the public water supply of the city of Ogdensburg, N. Y. (Chap. 131, p. 123, approved March 26, 1897.)

Section 1 prohibits the discharge of any poisonous or any deleterious substances into the waters of the Oswegatchie River or any water course connected therewith or flowing into said river.

Section 2 prohibits the deposit of any dead animal, offal, or other offensive matter within 50 feet of the high-water mark of said river or water course connected therewith.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine not exceeding \$200, or imprisonment not exceeding one year, or both.

Oneonta Waterworks Company (chap. 243, p. 216, approved April 15, 1897).—Amends chapter 615 of the laws of 1874 incorporating the Oneonta Waterworks Company.

Section 15 declares that any person who maliciously destroys the property of the company or injuriously affects its waters shall be guilty of a misdemeanor; punishable by fine or imprisonment, or by both, in the discretion of the court.

Albany.—An act to provide for a supply of water in the city of Albany. (Chap. 555, p. 819, approved May 19, 1897.)

Sections of this act provide for the appointment of a board of water commissioners for the city of Albany, and define and regulate the duties of said board relative to the waste of city water, the inspection of plumbing, the improvement of water supply, and the making of contracts for such purpose.

Said board is authorized to enter upon lands for the purpose of making surveys and to agree with the owner of the property which may be required for the purposes of this act as to the amount of compensation to be paid and the proceedings for taking such property are regulated.

Injury to work or property of said water commissioners is declared a misdemeanor and punishable accordingly.

The manner of making contracts by said board of water commissioners is regulated and the duty of the board determined with regard to the use of streets and highways, the restoration of street surfaces, the extension of pipes, and the rules and regulations for the protection and management of the waterworks and the use and control of the water supplied.

Provision is made for means to maintain and repair waterworks of the city of Albany and for the establishment of water rents and for the assessment and collection of the same.

Section 23 prohibits the pollution of any streams used to supply the city of Albany with water. Violation, a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding six months.

The maintaining of any nuisance near any of the streams above mentioned used to supply the city of Albany with water is prohibited, and the owners and occupants thereof shall be liable to prosecution, conviction, and punishment.

COUNTY CLERKS AND SHERIFFS.

Yates County.—An act to make the office of the county clerk of Yates County a salaried office and regulating the management of said office. (Chap. 363, p. 567, approved April 24, 1897.)

Sections of this act determine the annual salary of the clerk of the county of Yates and define his duties relative to collecting and receiving fees, keeping of books, monthly statement to treasurer, and verification of the same.

The office expenses of said clerk are regulated, also the official bond required of every county clerk elected or appointed in said county of Yates.

The said county clerk is authorized to appoint a deputy clerk, for whose official acts he shall be responsible.

Any officer or assistant named in this act who shall receive to his own use or neglect to account for any money, fees, perquisites, or emoluments belonging to said county of Yates, or who shall neglect to render an account of all fees received or to pay over the same as required, is declared guilty of a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court, and in addition be liable to said county for all money received and not accounted for.

Allegheny County.—An act to make the office of sheriff of Allegheny County a salaried office and regulating the management of said office. (Chap. 539, p. 811, approved May 18, 1897.)

Sections of this act fix the annual salary of the sheriff of the county of Allegheny and define his duties relative to the collection and receiving of fees, keeping of books, submission of quarterly statement to county treasurer and verification of the same, and payment of moneys to county treasurer.

The execution of official bond by every sheriff elected or appointed in Allegheny County is regulated; also the appointment of deputy sheriffs and their salaries.

Any officer referred to in this act who shall receive to his own use or neglect to account for any money, fees, perquisites, or emoluments belonging to the county of Allegheny, or who neglects to render to county treasurer an account of all fees received or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, or both, at the discretion of the court, and made liable for all moneys received and not accounted for.

Bonds of under sheriff and deputies are regulated, and the county jail and supplies therefor are made subject to charge of the sheriff, who shall also be allowed and entitled to receive disbursements incurred by him in the discharge of his duties.

NOTE.—Section of above act providing penalty for neglect of duty by sheriff is based on section 154 of the Penal Code, in which willful omission of duty is declared a misdemeanor. Penalty for misdemeanor (see section 15 of the Penal Code) is fine not exceeding \$500 or imprisonment not exceeding one year.

Washington County (chap. 116, p. 110, approved March 25, 1897).—Makes the office of county clerk of Washington County a salaried office.

SEC. 9. Any officer referred to in this act neglecting to account for any money, fees, etc., to the county treasurer, guilty of a misdemeanor. Punishable by fine or imprisonment, or both, at the discretion of the court.

Oswego County (chap. 118, p. 115, approved March 25, 1897).—Makes the office of county clerk of Oswego County a salaried office.

Section 9 has a similar provision with similar penalty as the one above—Washington County.

Sullivan County (chap. 440, p. 729, approved May 17, 1897).—Makes the office of the county clerk of Sullivan County a salaried office. All fees and emoluments shall belong to the county of Sullivan.

SEC. 10. Any officer receiving as his own fees belonging to the county or neglecting to render to the county treasurer an account of all fees received at his office shall be guilty of a misdemeanor. Punishable by fine or imprisonment, or both, at the discretion of the court, and shall be liable to said county in a civil action for all moneys so received.

Oneida County.—An act to make the office of county clerk of the county of Oneida a salaried office and to provide for the conduct of said office. (Chap. 10, p. 12, approved February 17, 1898.)

The duties of said officer are indicated, and section 8 reads: "Any officer referred to in this act or any person employed by the said county clerk under the provisions of this act who shall receive to his own use or neglect to account for any fees, perquisites, or emoluments by this act declared to belong to and to be for the benefit of Oneida County, or any such county clerk who shall neglect to render to said county treasurer an account of all the fees received at or in connection with his office and to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit his office, and shall be punished by fine or imprisonment, or both, at the discretion of the court before whom said officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Montgomery County (chap. 41, p. 81, approved March 9, 1898).—Similar provision and penalty in relation to county clerk.

Same provision relating to the sheriff of Montgomery County. (Chap. 42, p. 84, approved March 9, 1898.)

Saratoga County (chap. 43, p. 88, approved March 9, 1898).—Relates to county clerk of Saratoga County.

Similar laws are passed in relation to county clerks and sheriffs in other counties.

MUNICIPAL PENALTIES.

Richmond County (chap. 108, p. 90, approved March 23, 1897).—Provides for the reorganization of a police department for the county of Richmond.

SEC. 22. Any willful interference with the police commissioners, captain of police, or with any member while in official discharge of his duty shall be punished as a misdemeanor.

SEC. 25. It is made a misdemeanor to use personal violence upon any elector on election day or upon any member of the police force, or for a member of the police force to willfully neglect making an arrest for an offense against the law of this

State, or for any person not a member of the police force to personate a police officer: Penalty, fine \$250, or imprisonment one to two years.

Cities of the second class (chap. 182, p. 371, approved March 31, 1897).—It is provided in section 23 that any person violating an ordinance of the common council shall be guilty of a misdemeanor; and the common council may provide a penalty not exceeding \$500, to be recovered in a civil action in the name of the city.

In section 96, in relation to contracts, any officer or any member of any board or department making or voting for any contract prohibited by this section, or auditing any account thereunder, is guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court.

Section 345 provides that if any person who receives relief from the city shall sell the supplies or articles for money or intoxicating liquor shall be guilty of a misdemeanor.

City of Oswego (chap. 263, p. 235, approved April 15, 1897).—Revises the charter of the city of Oswego.

SEC. 36. Every person who shall willfully violate or refuse to obey any rule or regulation made and published as above by the mayor and the board of health of the city of Oswego shall be guilty of a misdemeanor. Punishable by fine or imprisonment, or both, in the discretion of the court: Fine not to exceed \$1,000, or imprisonment to six months.

Chapter 275, page 255, approved April 15, amends an act relating to the park commissioners.

SEC. 12. The violation of ordinances for the protection of the park is punishable by a fine not exceeding \$50.

Oswego County (chap. 290, p. 264, approved April 16, 1897).—Relates to the office of supervisor in the county of Oswego.

SEC. 2. It shall not be lawful for said board of supervisors to audit or allow, or for the county treasurer to pay, any supervisor a greater sum than is allowed by this act.

Violation, misdemeanor. Penalty, fine not less than \$100, or imprisonment in the county jail not more than six months, or both.

City of Rensselaer (chap. 359, p. 323, approved April 23, 1897).—SEC. 60. Any ordinance enacted by the common council may provide that any person violating such ordinance shall be guilty of a misdemeanor or of disorderly conduct, or shall be liable to pay to the city a sum therein named as a penalty not exceeding \$100, to be recovered in a civil action. If no provision be made in any ordinance as to the effect of a violation thereof, every violation thereof shall be a misdemeanor. If violation of any such ordinance be made a misdemeanor or disorderly conduct by or in pursuance of this act, and be also made a misdemeanor or disorderly conduct by any other law, but one conviction shall be had on account of such conduct. If the violation of any ordinance constitute either a misdemeanor or disorderly conduct and also render a person violating such ordinance liable to a penalty in a civil action, the conviction of either disorderly conduct or a misdemeanor on account of such conduct shall be a bar to the recovery of the penalty in a civil action, and the recovery and payment of a judgment for the penalty in a civil action shall be a bar in the prosecution for either the misdemeanor or the disorderly conduct on account of such violation.

Commissioner of charities (chap. 359, p. 386, approved April 23, 1897).—Section 143 forbids the commissioners of charities to be interested in purchases or to receive any commission upon goods furnished: Penalty, \$100 and removal from office.

Other officers (chap. 360, p. 422, approved April 23, 1897).—Section 39 forbids any officers from being directly interested in the purchase of material or in performing any public work and receiving therefor perquisites or emoluments. Violation, misdemeanor: Penalty provided by law and forfeiture of office.

City of Geneva (chap. 360, p. 436, approved April 23, 1897).—SEC. 44. The common council is empowered to fix penalties for every violation not exceeding \$50, except as herein otherwise provided for any one offense, to be recovered in a civil action.

The same section empowers the common council to prescribe fire limits and building rules, and for violation of ordinances under the provisions of this section may prescribe penalties and fines to the amount of \$250 and imprisonment in the county jail not exceeding one hundred days.

Board of health, Geneva (chap. 360, p. 447, approved April 23, 1897).—It is made the duty of the board of health to supervise plumbing in all buildings of the

city of Geneva, and no such plumbing shall be introduced without its approval. Violation a misdemeanor.

Board of charities, Geneva.—Section 78 of the same chapter, relating to the city of Geneva, makes it a misdemeanor for any person to whom relief shall be furnished by such board to exchange any article or property furnished him by the board for intoxicating liquor or for money. It is likewise a misdemeanor for any person to exchange intoxicating liquor for any articles so furnished as relief or charity knowing the same to have been thus furnished.

City of North Tonawanda (chap. 361, p. 480, approved April 24, 1897).—Sec. 4. The common council have power to prescribe a penalty not exceeding \$50 for a violation of ordinances, and where no penalty is fixed the violation shall be deemed a misdemeanor.

Sheriff, Yates County (chap. 362, p. 564, approved April 24, 1897).—Section 11 forbids any officer from receiving fees and perquisites declared to belong to Yates County. Violation, misdemeanor.

Village of Lancaster (chap. 370, p. 573, approved April 24, 1897).—Sec. 10 (title 3, p. 577). The president as head of the police force of the village is empowered to maintain peace and good order and may command assistance, and any person refusing shall forfeit to the village a sum not exceeding \$25, to be recovered in a civil action.

Under section 5, title 4, he may impose a penalty of \$25 upon any person refusing to aid at a fire, and imprisonment until such fine is paid, not exceeding twenty-five days.

If the county clerk shall record any deed of conveyance of lands in the village which shall not have been marked by the clerk as provided by this act, he shall forfeit to the village the sum of \$10 for each offense (p. 578).

Physicians failing to report contagious diseases may be subject to a fine not exceeding \$25 (p. 590).

Members of the fire department refusing to obey orders of chief engineer or assistants shall forfeit a sum not exceeding \$25.

Any member of the board of trustees voting for any motion authorizing expenditures in excess of amount provided by this act is guilty of a misdemeanor, and is made liable for the debt incurred (p. 605).

The assessor failing to attend shall forfeit \$10, and if his roll is not completed and filed at the time stated shall forfeit \$5 for each day of neglect (p. 609).

Civil and criminal actions.—In title 13, section 1, the police justice is given exclusive jurisdiction of all civil actions to recover a penalty payable to the village, if the penalty does not exceed the sum of \$200. He may hold a court of special sessions and try misdemeanors, as provided by the court of criminal procedure.

In civil actions for the recovery of fines and penalties, if judgment is rendered against the defendant, the police justice shall issue an execution against such defendant, if he be over the age of 16 years, and if the judgment and fees shall not be immediately paid, the defendant may be committed to the Erie County Penitentiary for the term of one day for each and every dollar of such judgment not exceeding six months, unless it shall be sooner paid. If the defendant is under 16 years of age he may be committed to the State Industrial School of Rochester or some other juvenile reformatory for one day for each and every dollar of said judgment, not exceeding six months, unless it shall be sooner paid. The amount of cost may be added to any fines imposed (p. 641).

Villages (chap. 414, p. 366, approved May 13, 1897).—An act in relation to villages, constituting chapter 21 of the General Laws. Section 91 defines village ordinances and section 92 provides that the board of trustees of a village may enforce obedience to its ordinances by prescribing penalties for each violation not exceeding \$100. The board may also ordain that a violation constitutes disorderly conduct, unless the statutes of the State shall declare such conduct to be disorderly.

Sec. 319. Unless the penalty and cost imposed for disorderly conduct be paid upon conviction, the magistrate shall commit the defendant to the county jail for a term not exceeding twenty days.

Sec. 320. An action may be maintained by a village to recover a penalty imposed for violation of an ordinance. If the defendant has no property out of which the judgment can be collected he may be imprisoned in the county jail for a term not exceeding twenty days.

Village of Nunda (chap. 431, p. 685, approved May 15, 1897).—Revises the charter of the village of Nunda.

Sec. 21. The board of trustees may provide penalties for the violation of municipal

ordinances. Fire not exceeding \$50 or imprisonment in the county jail of Livingston County not exceeding fifty days, or both; and the payment of fines may be enforced by imprisonment nor exceeding one day for every dollar of the fine.

SEC. 53. Any person refusing to obey the fire wardens shall be subject to such penalty as the board of trustees may prescribe.

Town of Jamaica (chap. 687, p. 936, approved May 22, 1897).—Confers additional powers upon the town board of the town of Jamaica relative to the public lands in said town.

Section 2 authorizes the town board to make certain regulations and rules and to publish the same. Violation of such rules or regulations, a misdemeanor. Fine \$1 to \$10, and in default of payment may be committed to the county jail not exceeding five days.

Park commissioners, Rochester (chap. 745, p. 1012, approved May 22, 1897).—Amends previous laws. Gives park commissioners power to pass ordinances to protect and preserve trees in the public streets, parks, etc. Violation of ordinances misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding thirty days, or both, in the discretion of the court.

City of Watertown (chap. 760, p. 1028, approved May 22, 1897).—Revises the charter of the city of Watertown (title to section 24). Penalty for the neglect of an officer to deliver over property to his successor, \$100.

Title 9, section 146, makes obstruction of fire apparatus misdemeanor: Penalty, fine not exceeding \$50 or imprisonment in the county jail not exceeding sixty days, or both.

SEC. 262. The city judge for any offense jurisdiction over which is conferred upon courts of special session by law or for public intoxication or for disorderly conduct may render judgment that such defendant pay a fine not exceeding \$50 or may sentence him to imprisonment in jail or penitentiary not exceeding six months, or may sentence for the same period in default of a fine unpaid or may in his discretion sentence any defendant to prison to hard labor.

City of Rochester (chap. 784, p. 1150, approved May 24, 1897).—Amends the charter of the city of Rochester.

Section 42 amends section 220 of said charter. It provides for building regulations and fire limits. Violation of such ordinances are punishable by a fine not more than \$250 or by imprisonment in the Monroe County penitentiary not more than one hundred and fifty days or by both.

New York City.—SEC. 60. Any member of the municipal assembly willfully disregarding laws applicable to the members or voting for contracts in violation of law, etc., shall be guilty of a misdemeanor.

SEC. 768. Fires and lights prohibited on vessels transporting petroleum. Violation, misdemeanor.

New York City charter.—(chap. 378). Volume III of the session of 1897 of laws of New York is made up exclusively of a charter of the city of New York. As in charters of other cities while the municipal authorities are left free to establish and force ordinances involving a large number of prohibitions and penalties, a certain number of misdemeanors and special fines and penalties are incorporated in the charter itself and become laws by direct enactment. These misdemeanors and penalties are for the sake of condensation grouped as briefly as possible in the following résumé.

SEC. 259 (p. 91). Establishes a bureau in the law department called bureau for the recovery of penalties. The assistant corporation counsel is assigned to this bureau.

SEC. 311 (p. 111). Police force may arrest for violation of health laws. Punishment as in misdemeanors.

SEC. 317. Pawnbrokers violating regulations a misdemeanor.

SEC. 319. Violation of navigation rules a misdemeanor.

SEC. 340. A misdemeanor for persons not members of the police force to serve criminal process.

SEC. 339. It is made a misdemeanor for any policeman to willfully neglect to make an arrest for offenses against the State or city laws. Also a misdemeanor to personate policemen. Penalty for both offenses imprisonment in penitentiary from one to two years, or fine not less than \$250.

SEC. 338. Policemen failing to take offender before the nearest city magistrate may be fined ten days' pay or dismissed from service.

SEC. 345. Overpressure on steam boilers unlawful. Violation, a misdemeanor.

SEC. 352. Procuring fraudulent affidavits in regard to police pension, fine of \$250. False swearing, perjury.

SEC. 481. Polluting water supply a misdemeanor. Penalty, fine to \$100, jail to three months.

SEC. 482. Injuring waterworks a misdemeanor.

SEC. 600. Injury to bridges a misdemeanor. Penalty, fine to \$500; imprisonment to six months and forfeit three times the amount of injury.

Section 635 provides for arrest and procedure in cases of abandonment of wife and children; provides for bond and surety on part of convicted person for maintenance of wife and children. In default, may be committed to workhouse on Blackwell's Island, or penitentiary, or to jail, not exceeding six months.

SEC. 729. Interference with fire-alarm telegraph a misdemeanor, and subjects to an additional penalty of \$100. Flying kites near telegraph lines or allowing them to become entangled, \$10 for each offense.

SEC. 733. Personating firemen and wearing uniform, misdemeanor: Fine, \$25 to \$250 and imprisonment ten days to three months.

SEC. 767. If death results from explosion of any compound the sale of which is prohibited or which has not been subject to sanitary survey or license, the person guilty of selling the same shall be deemed guilty of a felony: Penalty, fine \$1,000 to \$5,000, or State prison one to five years, and injured party, in a case of bodily injury, may maintain an action for damages. Dealers presenting for sanitary survey different sample of oil from that on sale forfeit \$50. Fire-insurance companies indorsing upon policy the right to keep combustible articles the sale of which is made unlawful: Fine, \$500.

SEC. 773. Any violation of sections under title 2 relating to fires and their extinction: Penalty, \$50; also be guilty of a misdemeanor.

SEC. 803. Insurance corporations organized under the laws of any other government than the States of this Union are taxable, and required to execute an undertaking that they will render a just account of premiums and pay to the fire commissioner \$2 upon every \$100 of such premiums: Penalty, \$1,000.

SEC. 827. The board of docks shall establish needful regulations. Violation, misdemeanor: Fine, to \$500 or imprisonment for thirty days, or both.

SEC. 857. Failure to remove vessel when ordered: Fine, \$50.

SEC. 866. Vessels wrongfully entering canal-boat territory: Penalty, \$100.

SEC. 867. Dock masters have power to assign and regulate stations for vessels: Penalty for refusing to obey, \$50.

SEC. 868. False personation of dock master a misdemeanor: Penalty, county jail not more than sixty days and fined in the discretion of the court to fine not more than \$25.

SEC. 880. Certain substances, such as ashes, cinders, mud, not to be dumped in port of New York. Violation, misdemeanor: Penalty, fine \$5 to \$250 or imprisonment ten days to six months.

Section 907 provides that assessment rolls are to be made and delivered to the municipal assembly (made up of the two houses known as the council and the board of aldermen).

Sections 910 and 911 provide for the revision of the assessment rolls by the municipal assembly and the delivery of the same to the receiver of taxes.

SEC. 912. If the municipal assembly shall willfully refuse or neglect to perform any of the duties required by the two preceding sections, each member shall forfeit \$500, to be recovered in a civil action; shall also be punishable for misdemeanor, and upon conviction shall forfeit his office.

SEC. 924. If the receiver of taxes or deputy shall fail to report to the chamberlain or comptroller the statements required by law he shall be suspended from office.

SEC. 930. A fine may be imposed by the court to enforce payment of personal taxes and to punish neglect.

Title 4 relates to opening streets and parks and provides for commissioners of estimate and assessment. It gives them power to subpoena witnesses. Persons refusing to appear shall forfeit to party injured \$100; may also be committed to prison by any justice of the supreme court on application made on behalf of the commissioner, there to remain without bail, without the liberties of the jail. (Sec. 983.)

Section 1022 authorizes the commissioner of water supply to prescribe a penalty not exceeding \$5 for each offense for wasting water.

SEC. 1082. School officers are forbidden to be interested in contracts. Violation, misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment in city prison not exceeding one year, or both, and shall also be ineligible to any school office.

SEC. 1208. It is made the duty of masters and owners of vessels to report unsound cotton to the board of health: Penalty, \$500, to be recovered in a civil action.

SEC. 1211. Disobedience of orders of the board of health relative to putrid and offensive articles a misdemeanor: Penalty, fine to \$1,000 and imprisonment not more than two years, or both.

SEC. 1213. Unlawful to fill in lands with garbage and decaying matter; a misdemeanor: Fine to \$100 or imprisonment to six months, or both.

SEC. 1222. Violation of orders of the board of health in any preceding section defining its powers a misdemeanor: Penalty, fine not more than \$250 or imprisonment not more than six months, or both. Any violation of the sanitary code a misdemeanor: Penalty, \$50. The offender shall also be liable to pay a fine of \$50, to be recovered in a civil action.

SEC. 1239. Omission to report marriages and births to the board of health a misdemeanor, and in addition thereto liable to a fine of \$100.

SEC. 1247-1249. Physicians required to report pestilential, infectious, and contagious diseases. Failure to report, a misdemeanor, also a fine of \$250.

Section 1262 declares that any person, corporation, or body which may have willfully done or omitted any act which in this chapter (relating to the board of health) is declared to be a misdemeanor shall in addition thereto be subject to a penalty of \$250. Where the minimum penalty is not fixed the amount recovered shall not be less than \$20.

SEC. 1266. False returns and deceptive reports a misdemeanor.

SEC. 1267. False personation of an officer of the health department a misdemeanor: Penalty, penitentiary one to two years; fine not less than \$250.

SEC. 1268. Boarding and lodging house keepers and masters of vessels refusing to obey orders of the department guilty of misdemeanor: Penalty, fine to \$250 or imprisonment not exceeding six months.

SEC. 1308. Violation of sanitary rules in regard to tenement houses a misdemeanor.

SEC. 1313. Names of owners of tenement houses to be registered. Change of ownership to be reported: Penalty, \$10 to \$50.

SEC. 1322. Every violation of the various provisions concerning tenement houses in this title a misdemeanor: Fine, \$10 to \$100 or imprisonment ten days for each day that such violation shall continue, or by both fine and imprisonment. Also liable to pay \$10 for each day the offense shall continue.

SEC. 1454. Violation of ordinances in regard to driving and using the streets a misdemeanor: Fine not exceeding \$10; in default of payment, imprisonment not exceeding ten days.

SEC. 1456. The throwing of rubbish, nails, garbage, etc., in the street, misdemeanor: Penalty, fine \$1 to \$10 or imprisonment one to five days. Leaving of trucks, carts, boxes, and merchandise in the public streets a misdemeanor: Penalty fine \$5 for first offense, \$10 for second offense, third offense, \$25 to \$50 or imprisonment three to thirty days, or by both. Throwing glass, nails, or substances which may wound or lame animals, misdemeanor. To put salt or saltpeter into the streets for the purpose of dissolving snow or ice, except upon the curves, crossings, or switches upon railroad tracks, a misdemeanor.

Section 1457 regulates processions. Parades forbidden on Sunday, except funeral processions. Violations, misdemeanor: Penalty, fine \$20 or imprisonment not more than ten days, or both.

SEC. 1462. Willfully breaking street lamps, etc., punishable by a fine not exceeding \$25. In default of payment may be committed to the penitentiary for two months or until fine and costs are paid.

SEC. 1473. Public exhibitions to be licensed: Penalty, \$100 for every such exhibition. Also guilty of a misdemeanor: Penalty imprisonment in penitentiary from three months to one year or fine of \$100 to \$500, or both.

SEC. 1481. Theatrical and all similar exhibitions prohibited on Sunday. Violation a misdemeanor, and in addition to punishment provided by law a penalty of \$500.

SEC. 1482. Minors under 14 unaccompanied by adults not to be admitted to theaters at night. Violation a misdemeanor. Fine, \$25 to \$100 or imprisonment ten to ninety days.

SEC. 1485. Employment of female waiters and sale of liquors in the auditorium or lobbies of places of exhibition a misdemeanor. Penalty, penitentiary three months to one year or fine \$100 to \$500, or both.

SEC. 1487. Doors and exits of theaters to be conspicuously numbered and diagrams to be printed on programmes. Penalty, \$50 for each violation.

Section 1493 prohibits the killing or selling of certain birds at certain seasons. Violation misdemeanor. Imprisonment five to thirty days and liable also to penalty of \$50.

SEC. 1515. Pharmacists are responsible for quality of drugs, and should they knowingly adulterate the same shall be guilty of a misdemeanor: Penalty, not exceeding \$100, and in addition his name shall be stricken from the register.

SEC. 1518. Fraudulent registration and permitting unlicensed persons to compound medicines a misdemeanor: Penalty, \$50.

SEC. 1533. Forbids all city officers or members of the municipal assembly from being privately interested in contracts. Violation, a misdemeanor. No person shall give or promise to give any portion of his compensation to any officer of the city to any other person in consideration of his having been appointed: Penalty, forfeiture of office, forever disqualified from being elected or appointed in the service of the city, and shall be punished for a misdemeanor.

SEC. 1551. Any officer defrauding the city government guilty of a misdemeanor, and in addition to the penalties imposed by law shall forfeit his office and be excluded forever from holding any office under the city government. Any person willfully swearing falsely shall be guilty of perjury.

GAME LAWS.

Deer.—An act relating to the bounding of deer in the towns of Dresden and Putnam, in the county of Washington. (Chap. 63, p. 55, approved March 18, 1897.)

Section 1 prohibits hunting or killing deer with any dog in towns named for a period of ten years from the passage of this act. If any dog of the breed used for hunting deer shall be found hunting, pursuing or killing deer, or running at large, it shall be evidence against the person owning such dog.

Violation of provisions is declared a misdemeanor: Penalty, fine of \$100 for each violation.

NOTE.—General law localized by above act.

Web-footed fowl.—An act to amend the fisheries, game, and forest law, and the act amendatory thereof, relating to the shooting of web-footed fowl in Long Island Sound, Great South Bay, Shinnecock and Peconic bays. (Chap. 64, p. 27, approved March 18, 1897.)

As amended, section 162 of chapter 488 of the laws of 1892 declares that floating devices may be used for the purposes of shooting web-footed wild fowl therefrom in the waters named in act, and in any part of said counties said birds may be pursued and killed from boats propelled by hand and from sailboats in Long Island Sound, Gardiner and Peconic bays.

Violation of provisions of this section is declared a misdemeanor: Penalty, fine of \$25 for each bird killed or possessed contrary to provisions.

State nets.—An act for the protection of State nets while in use in any of the waters of this State. (Chap. 93, p. 36, approved March 23, 1897.)

By this act persons are prohibited from handling or taking out fish that are confined in a State net; also fishing in any manner within 100 feet on any leader or net while in use by the State.

Violation, a misdemeanor: Penalty, fine of \$100 for each violation.

Fur-bearing animals.—An act for the protection of fur-bearing animals in the counties of Cattaraugus, Oneida, Madison, and Otsego. (Chap. 175, p. 162, approved April 3, 1897.)

Section 1 prohibits catching or killing within counties named in act any mink, skunk, muskrat, or fox except upon owner's premises from May 1 to November 16, except that foxes shall not be so killed or caught from May 1 to September 30.

Violation of provisions subjects to penalty of \$25 for each offense.

NOTE.—New so far as counties named are concerned.

Oysters in Hempstead, Queens County.—An act to regulate and protect the planting of oysters in the public waters of the town of Hempstead, in the county of Queens. (Vol. II, Chap. 338, p. 306, approved April 23, 1897.)

Sections of this act declare it lawful for any person being an inhabitant of the town of Hempstead, in the county of Queens, and having been such for the period of one year, to plant oysters or clams, as provided herein, and entitles such person to exclusive rights and privileges of said beds for planting oysters or clams. The use and occupation of said lands is regulated, and before any person shall occupy lands for the purpose of planting oysters he shall make deposition, which shall warrant the procurement of a certificate that such land will be legally used for planting oysters; such certificate shall be designated a license for planting oysters.

The annual rent of land and fee to be paid for certificate granted is regulated.

Any person other than the one who planted the oysters, or his legal representatives, who shall take any oysters from a bed marked out and occupied, as herein provided, or who shall oyster or clam [sic.] on the said beds, or in any way disturb the same, shall be subject to penalty of \$100 for each offense.

Abandonment, or ceasing to use land whereon oysters are planted, as herein provided for, for the period of six months, or, having obtained a license, failing to plant the same for a period of one year subjects to forfeiture of rights and privileges granted.

License for planting clams in town of Hempstead may be obtained in same manner as that for planting oysters, and it is declared unlawful for any person to use or occupy any portion of the public lands under water in the said town of Hempstead for the purpose of planting oysters and clams without first obtaining a license so to do.

Violation of provisions is declared a misdemeanor and may be tried and punished either in a court of special sessions or in the county court of Queens County.

Obtaining license by fraud or by false representation subjects to revocation of the same.

NOTE.—Amendment of former legislation: Penalties not affected.

Trout.—An act to amend chapter 488 of the laws of 1892, the title to which was amended by chapter 395 of the laws of 1895 to read, "An act relating to game, fish, and wild animals, and to the forest preserve and Adirondack Park, constituting chapter 21 of the general laws, and to be known as the fisheries, game, and forest law," as amended by chapter 974 of the laws of 1895, relating to trout, close season. (Chap. 150, p. 60, approved April 1, 1897.)

As amended, the close season for trout is defined and prohibits catching or killing or possessing trout in said close season.

Violation, a misdemeanor: Penalty, fine of \$25 for each violation and \$10 for each fish so caught or possessed.

NOTE.—New feature: Elimination of Long Island as an exception.

Fisheries.—An act to amend the fisheries, game, and forest law, and the act amendatory thereof, relating to trout fishing. (Chap. 151, p. 61, approved April 1, 1897.)

As amended, catching, killing, or selling as food any trout, except from March 29 to August 21, inclusive, is prohibited. But trout so caught or killed under the provisions and limitations of this article between March 29 and April 16 may be sold anywhere in the city of New York and Long Island.

Violation a misdemeanor: Penalty, fine of \$25 for each violation and \$10 for each fish so caught.

NOTE.—Formerly trout could not be sold as food as now provided by above act.

Canandaigua Lake.—An act to amend a game law, and the act amendatory thereof, relating to taking fish in Canandaigua Lake. (Chap. 182, p. 174, approved April 6, 1897.)

As amended, catching or killing fish in any manner or by any device except angling in the waters of lake above mentioned, is prohibited. It shall be lawful to fish with set lines not to exceed 600 feet in length, one end to be attached at the shore, in the waters of said lake, provided that no person shall own or operate more than two lines.

Violation, a misdemeanor: Penalty, fine of \$100 for each violation.

Warren County.—An act to amend the fish, game, and forest law in relation to fishing in certain waters in Warren County. (Chap. 250, p. 117, approved April 15, 1897.)

As amended, fishing or catching fish in any manner or with any device whatever in certain waters in above-named county is prohibited within two years after the passage of this act. Fishing in any manner or with any device in waters of Lake George or Glen Lake or from any of the tributaries of said lakes in Warren County for any pike-perch or any great northern pike, or bullheads or black bass or Oswego bass within the close season herein defined for said fish is prohibited. Provided, however, that perch may be caught by angling in the waters of Lake George at any time.

Violation of provisions is declared a misdemeanor: Penalty, fine of \$50 for each violation and \$10 for each fish caught, killed, or possessed contrary to provisions.

Woodcock, Richmond County.—An act to amend the game law relating to woodcock in Richmond County. (Chap. 322, p. 246, approved April 23, 1897.)

As amended, shooting, hunting, killing, or possessing woodcock in Richmond County during the close season herein defined, is prohibited.

Violation a misdemeanor: Penalty, fine of \$25 for each woodcock killed or possessed contrary to above provisions.

Minnows for bait.—An act to amend the game law, and the act amendatory thereof, relating to taking minnows for bait. (Chap. 326, p. 247, approved April 23, 1897.)

The amendment declares that the provisions of the act prohibiting the use or placing of nets and certain other devices in waters of the State of New York shall not apply to taking minnows for bait, but the size of such nets is regulated.

It also prohibits placing or using nets or any other devices of such kind for catching fish in streams inhabited by trout, such trout to be taken only by angling.

Provision is made for returning to the water certain fish which might be taken in nets used for catching minnows for bait.

Violation of provisions is declared a misdemeanor: Penalty, fine of \$100 for each violation, and \$5 for each and every fish caught, killed, or possessed contrary to above provisions.

NOTE.—New feature: Concerning return of fish to water.

Size of nets.—An act to amend the fisheries, game, and forest law, and the act amendatory thereof, in regard to use of nets. (Chap. 330, p. 253, approved April 23, 1897.)

As amended, the size of the meshes of nets used in certain waters in the State of New York is regulated, and it is declared lawful for fishermen holding license to fish with nets in said waters, and to hang or reel the said licensed nets for the purpose of cleaning and drying on the shores of said waters.

Violation of provisions is declared a misdemeanor: Penalty, fine of \$100 for each violation.

NOTE.—New feature: Concerning hanging or reeling nets.

Quail.—An act to amend the fisheries, game, and forest law, and the act amendatory thereof, relating to the close season for quail. (Chap. 342, p. 258, approved April 23, 1897.)

As amended, the selling or having in possession any quail during the close season shall be deemed a violation of this section, unless proved that said birds were killed within lawful periods or outside the State. Killing or possessing said birds in certain counties named prior to November 1, 1898, is prohibited.

Violation a misdemeanor: Penalty, fine of \$25 for each bird killed or possessed contrary to provisions.

NOTE.—New feature: Adds Chemung County to list in which killing of quail is prohibited prior to November 1, 1898.

Shad, Hudson River.—An act to amend the fisheries, game, and forest law, relating to taking shad in the Hudson River. (Chap. 388, p. 319, approved May 7, 1897.)

As amended, the taking of shad, herring, and other fish from the Hudson and Delaware rivers or Rondout Creek with nets of any kind during the close season, herein defined, is prohibited, except such nets be operated by hand and not drawn between sunset on Friday and sunrise on Monday, unless made necessary so to do by the inclemency of the weather. Certain other fish herein named may be taken by means of certain nets in waters herein mentioned in the open season. Size of nets for taking sturgeon is regulated. Catching fish with hook and line in Rondout Creek at any time is allowed.

Violation of provisions is declared a misdemeanor: Penalty, fine of \$50 for each violation.

NOTE.—New features: Concerning close seasons, size of mesh for taking sturgeon, and penalty for violation.

Deer.—An act to amend chapter 488 of the laws of 1892 entitled an act for the protection, preservation, and propagation of birds, fish, and wild animals in the State of New York and the different counties thereof, as amended by chapter 974 of the laws of 1895 and by chapter 654 of the laws of 1896. (Chap. 390, p. 320, approved May 10, 1897.)

The amended sections prohibit killing of wild deer within the close season, and taking more than two deer in any season. In certain counties wild deer may not be taken within five years from the passage of this act though they may be taken alive in any part of the State at any season of the year under the direction of the fish, game, and forest commission for the purpose of breeding. Provisions as to close season for wild deer shall not apply to Long Island. Violation, a misdemeanor: Penalty, fine of \$100 for each wild deer caught, shot at, hunted, or killed.

The use of traps and artificial lights for catching deer is prohibited. Violation, a misdemeanor: Penalty, fine of \$100 for each violation.

Hunting or killing deer in the State of New York by hounding is prohibited, and dogs of the breed used for hunting deer shall not be permitted to run at large during a term of five years from June 1, 1897, which date applies also to hunting deer with dogs. Provisions as to close season for hounding shall not apply to Long Island. Violation, a misdemeanor: Penalty, fine of \$100 for each violation.

NOTE.—New features: First. Concerning close season for killing wild deer. Second. Concerning use of jack lights. Third. Concerning regulations for hounding not affecting penalty for hounding.

Black bass.—An act to amend the fisheries, game, and forest law, relating to the close season of black bass, or Oswego bass. (Chap. 628, p. 773, approved May 21, 1897.)

As amended, fishing for, catching, or killing black bass, or Oswego bass, within the close season in Schoharie River, or in Foxs Creek, within three years from May 31, 1896, is prohibited, except in the month of August. Catching pickerel or pike in close season is also prohibited, with certain provisions herein defined.

Violation, a misdemeanor: Penalty, fine of \$25 for each fish caught, killed, or possessed.

Provision is made for inspection and examination of fish taken by fish and game protector or his officers, and in case of refusal to permit such inspection the offender shall be liable to a penalty of \$25 for each refusal.

NOTE.—New features: Concerning time of close season and concerning Lake George and Schroom Lake.

Chautauqua Lake.—An act for the protection of fish in Chautauqua Lake in Chautauqua County. (Chap. 705, p. 954, approved May 22, 1897.)

Section 1 prohibits taking fish of any kind from the waters of Chautauqua Lake from May 1 until June 15 in each year, except by the authority of the State for the purpose of propagation.

Section 2 provides for taking bass, muskallonge and bill-fish by angling in the open season.

Section 3 prohibits the use of fish houses, spears, or devices for concealing fishermen upon the ice of Chautauqua Lake during close season.

Violation of provisions of the foregoing sections is declared a misdemeanor: Penalty, fine of \$25 for each violation, and \$10 for each fish taken.

Fish, birds, etc.—An act to amend the game law and the act amendatory thereof relative to the protection of fish, birds, and wild animals. (Chap. 699, p. 780, approved May 22, 1897.)

As amended, the killing or catching or having in possession any wild birds, whether living or dead, is prohibited; but this does not affect any birds the killing of which is prohibited between certain dates, nor does it protect the English sparrow, crow, hawk, crane, raven, crow-blackbird, common blackbird, and kingfisher; nor does it apply to any person holding certificate under provisions of this act.

Violation, a misdemeanor: Penalty, fine of \$25 for each bird killed contrary to the provisions.

Prevention of fires.—An act to amend the fisheries, game, and forest law, and the acts amendatory thereof, in relation to the prevention of fires. (Chap. 700, p. 781, approved May 22, 1897.)

As amended, lighting fires for the purpose of clearing land, burning fallows, stumps, logs, or fallen timber in certain specified towns between April 1 and June 10 and between September 1 and November 10 is prohibited; but from June 10 to September 1 fires may be started by giving three days' notice to fire warden and securing his written permission so to do.

The duty of fire warden relative to the lighting of such fires is regulated.

Violation of requirements of this section is declared a misdemeanor: Penalty, fine from \$50 to \$300.

NOTE.—New feature. Concerning duty of fire warden to remain on premises until fire is extinguished.

Oysters and clams.—An act to amend the game law, and the act amendatory thereof, relative to regulations for dredging and raking for oysters and clams. (Chap. 706, p. 785, approved May 22, 1897.)

As amended, dredging and raking for oysters and clams is regulated, the operation of dredge by steam power or weighing over 50 pounds being prohibited. Also the use of certain kinds of rake or tongs.

Violation, a misdemeanor: Penalty, fine of \$100 for each violation.

NOTE.—New feature: Concerning rake and tongs for catching clams.

Chautauqua Lake (chap. 2, p. 1, approved January 27, 1898).—Amends chapter 705 of the laws of 1897.

Violation, misdemeanor, and in addition liable to penalty of \$25 for each violation, and \$10 for each fish taken.

Deer or venison (chap. 39, p. 79, approved March 9, 1898).—Amends the fisheries, game, and forest law relating to the possession of venison. Unlawful to possess or sell venison except from August 15 to November 20, inclusive, and possession from the 15th day of November to November 20, inclusive, is forbidden unless it be proved that such venison was killed within the lawful period for killing or out of the State.

Violation, misdemeanor, and in addition penalty \$100 for each wild deer or part thereof had in possession.

Fur-bearing animals, Livingston County (chap. 40, p. 80, approved March 9, 1898).—Unlawful to kill muskrats, minks, coons, foxes, or skunks except upon premises of the person or within the limits of an incorporated village from April 10 to October 31; foxes, April 10 to September 30.

Violation, penalty of \$15, to be recovered by any person in his own name before a court in Livingston County. One-half to person bringing such action and one-half to the overseer of the poor of the town where the offense is committed.

Squirrels (chap. 53, p. 108, approved March 9, 1898).—Amends the game law in regard to black and gray squirrels. Protected except from September 1 to December 15. Provisions do not apply to Long Island.

Violation, misdemeanor, and in addition liable to penalty of \$25 for each violation, and \$10 for each squirrel killed or had in possession.

Woodcock and grouse (chap. 54, p. 109, approved March 9, 1898).—The act protects woodcock and grouse, English pheasants, and partridge. Forbidding killing, possessing, or transporting.

Violation, misdemeanor, and in addition liable to penalty of \$25.

Moose, elk, and caribou (chap. 55, p. 111, approved March 9, 1898).—Unlawful to hunt, kill, or possess wild moose, elk, caribou, and antelope at any time. Permits possession for breeding purposes, or the meat may be possessed or sold during the season for the possession of venison if killed outside of the State or by persons in charge of private parks owning these animals.

Violation, misdemeanor, and in addition liable to penalty of \$200 for each animal or for each carcass or part thereof.

Orange Lake (chap. 68, p. 128, approved March 16, 1898).—Forbids the taking of black bass in Orange Lake from one hour after sunset until one hour after sunrise.

Violation, misdemeanor, and in addition penalty of \$25 for each violation and \$10 for each black bass so taken.

Jamaica Bay (chap. 92, p. 183, approved March 21, 1898).—Protects fish in Jamaica Bay and adjacent waters: Penalty as above.

Salmon trout and landlocked salmon (chap. 93, p. 184, approved March 21, 1898).—Prescribes the closed season: Penalties as above.

Fall Creek, Ithaca (chap. 94, p. 185, approved March 21).—Prohibits fishing in a certain portion of Fall Creek. Violation, misdemeanor, and in addition penalty of \$10 for each attempt and \$10 for each fish caught or killed.

Little River, Albany County (chap. 107, p. 209, approved March 21, 1899).—Prohibits fishing except by angling. Violation, misdemeanor, and in addition penalty of \$50 for each violation.

Black bass, pickerel, etc. (chap. 109, p. 211, approved March 21, 1898).—Prescribes closed season for black bass, Oswego bass, pickerel pike, or wall-eyed pike. Violation, misdemeanor, and in addition \$25 for each fish. Game and police officers are authorized to inspect boats and baskets: Penalty for refusal to permit such inspection, \$25 for each refusal. Officer is authorized to use force.

Meadow hens, and other birds (chap. 132, p. 258, approved March 28, 1898).—Prescribes a closed season. Violation, misdemeanor, and in addition thereto liable to penalty of \$25 for each violation.

Richmond County (chap. 139, p. 268, approved March 28, 1898).—Forbids any device except angling in taking fish except menhaden; except shad may be taken by shad nets between March 15 and June 15.

Violation, misdemeanor, and in addition liable to penalty \$100 for each violation.

Lake Ontario, Lake Erie (chap. 401, p. 1098, approved April 22, 1898).—Amends section 132 of chapter 488 of the laws of 1892. Prohibits fishing except by angling at certain distances from the shore on Lake Erie and Lake Ontario and in other waters.

Violation, misdemeanor; in addition thereto liable to penalty of \$100 for each violation.

Relates also to nets in Chaumont Bay, with similar penalty for violation.

Deer (chap. 403, p. 1101, approved April 22, 1898).—Amends chapter 488 of the laws of 1892; adds new section prohibiting the killing of wild deer in Ulster, Greene, Delaware, and Sullivan counties prior to August 15, 1901.

Violation, misdemeanor; in addition liable to penalty of \$100 for each deer.

Eel weirs (chap. 405, p. 1103, approved April 22, 1898).—Amends section 143 of chapter 488 of the laws of 1892. Regulates the use of eel weirs.

Violation, misdemeanor, and in addition liable to penalty of \$60 for each eel weir or eel pot maintained in violation of this section, and \$10 for each fish caught therein.

Black bass (chap. 407, p. 1105, approved April 22, 1898).—Amends section 111 of article 5 of chapter 488, laws of 1892. Forbids the taking of black bass from any waters of the State less than 10 inches in length; no person to catch more than twenty-four, of the size permitted, in any one day. Where two or more persons are fishing from the same boat the aggregate number of bass taken shall not exceed thirty-six. The provisions of the section do not apply to the St. Lawrence River between Tibbetts Point light-house and the city of Ogdensburg.

Violation, misdemeanor; in addition liable to penalty of \$10 for each fish.

Screening of streams and rivers (chap. 408, p. 1106, approved April 22, 1898).—Forbids the screening of streams to prevent the passage of fish.

Violation, misdemeanor; in addition liable to penalty of \$50 for each rack, screen, wire, or other obstruction maintained in violation of this section.

Mongolian ring-necked pheasant (chap. 409, p. 1107, approved April 22, 1898).—Forbids the killing of these birds prior to 1900, except in the county of Suffolk from October 1 to January 31, inclusive.

Violation, misdemeanor; in addition liable to penalty of \$25 for each bird.

Jurisdiction of courts (chap. 447, p. 1155, approved April 22, 1898).—Amends section 244, chapter 488, Laws of 1892. Provides that courts of special session and police courts in towns and villages and the several courts in cities having jurisdiction to try misdemeanors, as provided by section 56 of the Code of Criminal Procedure shall have, in the first instance, exclusive jurisdiction to try offenders in all cases occurring under the fisheries, game, and forest law. * * * They shall have jurisdiction of offenses committed within the county where said courts are held.

Wild fowl (chap. 449, p. 1156, approved April 22, 1898).—Regulates the taking of wild fowl by floating devices, rowboats, or sailboats.

Violation, misdemeanor. In addition, liable to penalty of \$25 for each bird killed.

Franklin County (chap. 450, p. 1157, approved April 22, 1898).—Protects black bass and Oswego bass in certain rivers.

Violation, misdemeanor; and, in addition, liable to penalty of \$25 for each violation; \$10 for each fish caught.

Albany County (chap. 452, p. 1159, approved April 22, 1898).—Protects black bass in Crystal Lake, Albany County. Penalty the same as above.

Landlocked salmon and lake trout (chap. 454, p. 1162, approved April 22, 1898).—Trout of any kind less than 6 inches in length not to be taken. Violation, misdemeanor: Penalty, \$10 for each fish.

No salmon, landlocked salmon, or lake trout shall be taken less than 15 inches in length. Violation, misdemeanor; and liable to penalty of \$25 for each violation; \$10 for each fish so killed.

Fishing in Seneca Lake (chap. 455, p. 1163, approved April 22, 1898).—Fishing with nets and spearing allowed only at certain seasons. Violation, misdemeanor: Penalty, \$50 for each offense.

Fishing through ice (chap. 456, p. 1163, approved April 22, 1898).—Relates to fishing through the ice in certain lakes and to set lines in Canandaigua Lake. Violation, misdemeanor: Penalty, \$100.

Wild fowl (chap. 457, p. 1164, approved April 22, 1898).—Prescribes closed season for wild fowl. Violation, misdemeanor: Penalty, \$25 for each bird.

Quail (chap. 459, p. 1167, approved April 22, 1898).—Prescribes close season for quail.

Violation, misdemeanor: Penalty, \$25 for each bird.

Prescribes when quail shall not be possessed. Violation, misdemeanor. The same penalty.

Lawrence Brook, Franklin County.—Prohibits fishing for five years from June 1, 1898, except for suckers.

Violation, misdemeanor. In addition, liable to penalty of \$25.

Shad, herring, and other fish (chap. 461, p. 1169, approved April 22, 1898).—Relates to the taking of these fish in the Hudson, Delaware River, and other waters.

Violation, misdemeanor. In addition, liable to penalty of \$50.

Nets in Harlem River (chap. 462, p. 1170, approved April 22, 1898).—Prohibits nets in the Harlem River except for catching lobster or crabs.

Violation, misdemeanor. In addition, liable to penalty of \$10.

Fur-bearing animals (chap. 463, p. 1171, approved April 22, 1898).—Unlawful to kill fur-bearing animals within the counties of Wayne, Jefferson, and Cayuga except at certain times.

Penalty, liable to fine of \$25.

Woodcock (chap. 489, p. 1211, approved April 22, 1898).—Prescribes close season for woodcock in the counties of Clinton, Essex, and Warren.

Violation, misdemeanor. In addition, liable to penalty of \$25 for each bird.

St. Lawrence and Warren counties (chap. 600, p. 1391, approved April 28, 1898).—Relates to fishing in these counties.

Violation, misdemeanor. In addition thereto, liable to a penalty of \$100.

NORTH CAROLINA.

1897.

Punishment of felony.—Every person who shall be convicted of any felony for which no specific punishment is prescribed by statute shall be imprisoned in the county jail or penitentiary not exceeding two years, and be fined, in the discretion of the court, or, if the offense be infamous, the person offending shall be imprisoned in the county jail or penitentiary not less than four months nor more than ten years, and be fined. (Code 1883, sec. 1096.)

Punishment of misdemeanor.—Offenses made misdemeanors by statute, where a specific punishment is not prescribed, shall be punished as misdemeanors at common law, but if the offense be infamous, or done in secrecy and malice, or with deceit and intent to defraud, the offender shall be punished by imprisonment in the county jail or penitentiary not less than four months nor more than ten years, and be fined. (Code 1883, sec. 1097.)

Bond issues, Cherokee County.—An act to authorize the commissioners of Cherokee County to issue bonds. (Chap. 44, p. 93, approved February 9, 1897.)

Sections of this act authorize the issue of bonds by the commissioners of Cherokee County for the purpose of settling the indebtedness contracted for the rebuilding of the court-house in said county and any other outstanding debts, and for internal improvements, which issue is regulated, and provision made for keeping account of bonds by registrar of deeds, such account books to be open to the inspection of taxpayers.

Refusal or neglect to afford such inspection is declared a misdemeanor: Penalty, fine from \$10 to \$50 or imprisonment from one to three months.

Fast driving.—An act to prohibit fast riding or driving across the new iron bridge in Bryson City, N. C. (Chap. 49, p. 97, approved February 10, 1897.)

Section 1 declares that if any person shall willfully ride or drive any animal faster than a walk over the iron bridge across the Tuckasegee River at Bryson City, Swain County, he shall be guilty of a misdemeanor. Penalty, fine from \$5 to \$50, or imprisonment not exceeding thirty days. Such conviction to be had only after notice that "all persons are hereby forbidden to ride or drive over this bridge faster than a walk" has been posted for thirty days.

Atlantic and North Carolina Railroad.—An act to restore to the State of North Carolina the control and management of the Atlantic and North Carolina Railroad (Chap. 122, p. 176, approved February 23, 1897.)

Sections 1 and 2 provide for the removal, by the governor and board of internal improvements, of the proxy or the directors representing the interest of the State as stockholders in the Atlantic and North Carolina Railroad Company, if negligent or unfaithful in the discharge of their duties, and for the appointment of their successors, who shall at once call a meeting of the directors of said railroad company and elect a president thereof.

Any officer, agent, or employee of said company failing or refusing to turn over the property, books, and records of the company to said president upon demand shall be guilty of a misdemeanor: Penalty, fine from \$1,000 to \$2,000 or imprisonment not exceeding six months.

Section 3 provides for instituting proceedings in case of refusal to deliver and turn over to president said property, books, and records as aforesaid, and for the appointment of a receiver of said railroad company.

Cotton weighing.—An act to revise, amend, and consolidate the acts concerning cotton weighing and the appointment of cotton weighers for the city of Raleigh, N. C. (Chap. 151, p. 207, approved February 26, 1897.)

Section 1 provides for the appointment of four weighers for the city of Raleigh, whose duties relative to the weighing of all baled cotton offered for sale in said city are defined.

County commissioners are authorized to remove weighers for just and proper cause.

Provision is made for weigher to equip himself with correct standard scales, to be attested and stamped by the standard keeper for Wake County at least once every two months, and on failure so to do he shall forfeit \$100 for every day he refuses or neglects said standard tests.

Any person refusing to comply with the requirements of this act shall be guilty of a misdemeanor.

Regulating insurance.—An act to increase revenues and to regulate insurance (Chap. 167, p. 225, approved March 1, 1897.)

Section 1 prohibits foreign fire insurance companies from making contracts of fire insurance on property except through licensed agents in the State of North Carolina.

Section 2 declares it unlawful for any agent of said companies to sign any blank contract or policy of fire insurance under penalty of fine from \$100 to \$200 for each offense.

Section 3 declares that before issuing certificate of license to any fire insurance company the secretary of state shall require filing of affidavit from president or other chief officer of said company that it has not violated any of the provisions of this act for the space of twelve months, and that they accept the terms and obligations of their license.

Provision is made for investigating all books, records, and papers of companies upon complaint of violation, and it is declared that any fire insurance company violating any provision of this act, or refusing to submit to the examination when requested, shall forfeit right to do business in the State of North Carolina for the next twelve months, and license shall be revoked.

Section 7 declares it unlawful to adjust loss for a company not licensed in the State of North Carolina, or on a contract not authorized by the laws of the State. Violation a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from six months to two years, or both fine and imprisonment.

NOTE.—Embraces former legislation with new features concerning penalties imposed for signing blank contract or policy, and unlawful adjustment of loss; also as to filing affidavit, etc.

Raising revenue.—An act to raise revenue. (Chap. 168, p. 227, approved March 9, 1897.) Under Schedule A of this act provision is made for levying and collecting an ad valorem tax on real and personal property for State purposes in North Carolina.

Schedule B provides for the imposition and payment of license taxes for carrying on various kinds of business in the State of North Carolina, and regulates the amount of said license tax.

Merchants and dealers are required to send list of purchases to the clerk of board of county commissioners, and to submit their books to the examination of said board upon demand. Refusal or neglect to render said list or to submit books for examination is declared a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Selling sewing machines or organs and pianos without license is declared a misdemeanor: Penalty, fine of \$100 or imprisonment not exceeding thirty days, and in addition shall pay to officer making arrest the sum of \$200.

Banks or banking associations failing to comply with provision of tax upon capital employed shall pay the sum of \$2,000, to be collected by the State treasurer.

Section 38 declares that every person who shall practice any trade or profession or use any franchise taxed by the laws of North Carolina without having paid the tax and obtained a license as required in this act shall be deemed guilty of a misdemeanor, and punished by fine or imprisonment, and also forfeit and pay a penalty of \$50.

Schedule C provides for and regulates the rate of tax upon railroad, steamboat, and canal companies, upon legacies and inheritances, upon express companies, telegraph and telephone companies, upon seals, upon marriage licenses, and upon persons engaged in the business of selling or offering for sale by a drummer or drummers goods or merchandise of any description.

Any person receiving taxes upon seals and refusing or neglecting to pay over the same as required shall be subject to fine not exceeding \$500, or imprisonment at the discretion of the court.

Provision is made for liquor license to be paid into school fund within thirty days of collection, and any officers, including justices of the peace, convicted of violating this provision or of appropriating to his own use the State, county, school, city, or town taxes shall be guilty of embezzlement: Penalty, imprisonment in the State prison not exceeding five years, at the discretion of the court.

Any drummer selling or offering to sell any goods, wares, or merchandise without license in his actual possession shall be deemed guilty of a misdemeanor: Penalty, fine of \$50 or imprisonment not exceeding thirty days.

SECTION 53 declares that any person or corporations who are liable to pay the license tax or taxes provided for in Schedules A, B, and C of this act and the machinery act and shall fail to pay the same as provided by law shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months.

NOTE.—New features: First, concerning change in rates of taxation; second, tax upon mercantile agencies; third, legacy and inheritance tax; fourth, penalty imposed upon drummer for selling without license.

Collection of taxes.—An act to provide for the assessment of property and the collection of taxes. (Chap. 169, p. 246, approved March 9, 1897.) Section 1 authorizes the board of county commissioners to exempt any person from the payment of poll tax on account of both poverty and infirmity; and declares that any corporation, firm, or person who shall, on demand or request made, refuse to give to the sheriff or tax collector of any county, city, or town a list giving the names of all persons employed by them who are liable for tax shall be guilty of a misdemeanor.

Other sections deal with the duties of list takers and assessors; with the listing of property of corporations, private banks and bankers, railroad, telegraph, canal, and steamboat companies; with the sale of real estate for taxes, and certificate of sale, with definition of terms used in act; with mistakes in assessments; with purchase at tax sale by municipal officers; with foreclosure of tax liens by county commissioners and owners of certificates; with provisions for collecting tax and by whom to be paid; with the duty of sheriff relative to keeping record of certain taxes and settlement of same.

Under provisions of this act it is declared a misdemeanor to evade tax by exchanging property; for deputy sheriff to fail to pay over such taxes as he may collect; and for any officer to fail to attend at the court-house and account for county funds.

Failure or refusal to list for taxation the stock held by citizens of the State of North Carolina is declared a misdemeanor: Penalty, fine and imprisonment, or both, in the discretion of the court.

Failure of list taker to examine on oath each person listing his or her property as required is declared a misdemeanor: Penalty, fine and imprisonment at the discretion of the court.

Refusal to answer questions respecting property or to fill, sign, and swear to returns is declared a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days, or both.

Failure to list property or poll within time allowed is declared a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Clerk of commissioners failing to perform duty shall forfeit and pay to the State \$1,000.

Failure by sheriff to give receipt when taxes are paid, stating the State and county tax separately, is declared a misdemeanor: Penalty, fine at the discretion of the court.

Sheriff or tax collector failing to comply with provisions of section 38 of this act is declared guilty of a misdemeanor: Penalty, fine from \$10 to \$100.

Refusal of railroad officer to attend or to submit books and papers to the inspection of county commissioners or to answer such questions as may be put to him by

said commissioners touching the business or property, moneys and credits, and the value thereof, of said railroad company is declared a misdemeanor: Penalty, fine not exceeding \$500 and costs and imprisonment not exceeding thirty days.

Failure of sheriff to attend sale of lands as required by this act, either in person or by competent deputy, is declared a misdemeanor: Penalty, fine of \$300; and sheriff or deputy selling real property not subject to taxation or sale shall be liable to a fine from \$1,000 to \$3,000 or to imprisonment not exceeding one year, or to both fine and imprisonment, with payment of all damages sustained.

Sheriff concerned in purchase of land sold for taxes shall be liable to a penalty fine not exceeding \$1,000.

Failure of officer or agents to pay over moneys of delinquent corporations not exceeding the amount of tax due is declared a misdemeanor: Penalty, fine from \$100 to \$500.

Failure of clerk of superior court to furnish auditor with copy of sheriff's bonds and his sureties subjects to forfeiture of \$1,000 to the State.

Sheriff or other accounting officer fraudulently or corruptly failing to account and settle is declared a misdemeanor: Penalty, fine, in the discretion of the court, and imprisonment from three to twelve months.

Sheriff or tax collector retaining in hand over \$300 for a longer time than ten days shall be subject to penalty of 2 per cent per month to the county upon all sums unlawfully retained, and failing to account for all taxes due to the county for the fiscal year shall subject him to penalty of 2 per cent per month on all sums unpaid.

Any sheriff or tax collector failing to exhibit or present any money not actually derived from the collection of taxes shall be subject to penalty of \$500; and in case the sheriff of a county shall fail, neglect, or refuse to account with the county treasurer and assistant committee as required, or to pay what may be rightfully found due on such accounts he shall forfeit and pay to the State for the use of the county a penalty of \$2,500.

NOTE.—Above act embraces legislation of chapter 119 of 1895.

School entertainments.—An act for the protection of school entertainments, etc. (Chap. 213, p. 351, approved March 3, 1897.)

Section 1 declares that any and all persons who shall, when intoxicated or otherwise, willfully interrupt or disturb any picnic, excursion party, school entertainment, political meeting, or any meeting or other organization lawfully and peaceably held shall be guilty of a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

Inspection of mines.—An act to provide for the inspection and regulation of mines. (Chap. 251, p. 423, approved March 9, 1897.)

Sections of this act declares the commissioner of labor statistics shall be made mine inspector for the State of North Carolina, the duties of said mine inspector being defined relative to inspecting mines, recording examinations, keeping of maps and surveys, and making annual report to the governor.

Owners and agents of coal mines are required to furnish means of entry to mine and to give such information to inspector as he may deem useful and proper. Failure to comply with such requirements is declared a misdemeanor.

Sec. 4. It is unlawful for the owner or agent of any coal mine worked by shaft to employ or permit any person to work therein unless there are two openings to such mine. Provision is made for the use of escapement shafts in mines, for maintaining proper ventilation, for daily examination of mines generating fire damp, for fencing of underground entrances, for the employment of experienced, competent, and sober engineers, for examination of safety lamps, and for matches or any other apparatus for striking lights not to be taken into mines.

Violation of these provisions is declared a misdemeanor.

The foreman of any mine is required to measure ventilation. False returns of such air measurement by mining boss is declared a misdemeanor.

Provision is made for reporting accidents in mines, and the right of action of persons injured is determined.

Notice shall be sent to inspector of opening of a new shaft, slope, or mine, of abandonment or discontinuance of mine, of reopening of mine after abandonment and of changes affecting safety.

Boys under 12 years of age are prohibited from working in mines.

Provisions of this act shall not apply or affect any mine in which not more than 10 men are employed at the same time, but inspector shall at all times have free ingress to such excepted mines for the purpose of examination and inspection.

Violation of any of the provisions of this act whereby the life or health of persons or the security of any mine and machinery are endangered, or neglect

refusal to obey any orders given by the superintendent of a mine, or injury to any water gauge, barometer, or air course, or obstruction of any air ways, or disturbing any part of the machinery of the hoisting engine or other apparatus, or entering any part of mine against caution, or disobeying any order given in pursuance of this act, or neglect or refusal to give notice of accident, is declared a misdemeanor: Penalty, fine of \$50, or imprisonment not exceeding thirty days, or both.

Commission for exterminating noxious insects.—An act to prevent the introduction and dissemination of dangerous insects, fungus, and weed pests of crops. (Chap. 264, p. 448, approved March 5, 1897.)

Section 1 provides for the appointment of a commission for the purpose of exterminating noxious insects, fungus diseases, and weeds which are affecting or may affect crops in the State of North Carolina, and defines the duties of said commission relative to this purpose.

SEC. 3. No person, firm, or corporation shall keep upon his or their premises any plant infested by any dangerous crop pest listed and published as such, or permit dangerous weed pests to mature or multiply upon their land, except under such regulations as the said commission may prescribe.

Premises suspected of being infested may be inspected by agent authorized by commission, and anyone who shall seek to prevent such inspection or otherwise interfere with any agent of the commission while in performance of his duties shall be subject to fine from \$5 to \$50 for each offense, or may be imprisoned from ten to thirty days:

Tramps and vagrants.—An act to amend section 3228, chapter 63, of the Code of North Carolina, with reference to tramps and vagrants. (Chap. 268, p. 453, approved March 8, 1897.)

The amended section provides a penalty of fine not exceeding \$50, or imprisonment not exceeding thirty days for person convicted as a tramp or vagrant.

NOTE.—Formerly the penalty was imprisonment not less than six months.

Bar and billiard rooms, etc., minors not to enter.—An act to prevent minors from entering bar and billiard rooms and bowling alleys. (Chap. 278, p. 459, approved March 8, 1897.)

Section 1 declares it unlawful for keepers or owners of barrooms, billiard rooms, or bowling alleys to allow minors to enter or remain therein after having been notified by parent or guardian of minor not to allow the same.

Violation, a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days.

Auditor, Buncombe County.—An act authorizing the commissioners of Buncombe County to elect a county auditor. (Chap. 290, p. 466, approved March 8, 1897.)

Sections of this act authorize the commissioners of said county to elect an auditor whose term of office and salary is fixed, and whose duties are defined relative to keeping books and calling on county officers for monthly statements of moneys received and collected, for which acknowledgment shall be given.

Provision is made for county officers to file monthly statements with the county auditor. Refusal or neglect by any county officer to make such statement shall subject him to liability of removal from office, and also guilty of a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

Barbed-wire fences.—An act for the protection of travelers on public roads against barbed-wire fences. (Chap. 310, p. 480, approved March 8, 1897.)

Section 1 prohibits the erection or construction of barbed-wire fences along any road or highway, unless two railings or planks not less than 3 inches in width and not less than 6 inches apart are placed on top of said fence.

Violation, a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court, and liability for damages.

The New Hanover Society for the Prevention of Crime (chap. 315, p. 486, approved March 8, 1897).—Sections of this act provide for the incorporation of the New Hanover Society for the Prevention of Crime, which is hereby empowered and authorized to give and receive money or other property to establish a home for homeless children, and to hold the same and all its appurtenances in fee simple; also to control said home by the selection of such managers, keepers, or matrons as may be necessary, and for the proper government thereof.

SEC. 5. All colored children resident in New Hanover County of 14 years old or under, without parents or homes, shall be eligible for admission into said children's home so long as there may be sufficient accommodations for them; and any child

who shall escape or run away from said home shall be guilty of a misdemeanor, and upon conviction shall be sent to the State reformatory or penitentiary.

Any person who shall willfully entice any child away from said home shall be guilty of a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

Provision is made for the release of all children from said home upon coming of 16 years of age, and for teaching the children a limited amount of reading, writing, spelling, and arithmetic.

Directors of banks, railroads, etc., to take official oath.—An act to require all bankers or officers and directors of railroads and State banks, or other corporations created or chartered by the general assembly of North Carolina, to take an official oath. (Chap. 381, p. 508, approved March 5, 1897.)

Sections of this act provide for bankers and officers and directors of banks and other corporations to take oath to observe and obey the constitution and laws of North Carolina, and to well and truly discharge, according to law, all the duties of their offices. The duty of the State treasurer relative to preparing forms of oath and transmitting copies of the same is defined.

Bankers, officers, and directors failing to observe the provisions of this act are declared guilty of a misdemeanor. Penalty, fine or imprisonment, or both, at the discretion of the court.

Weighing cotton.—An act to amend chapter 459 of the laws of 1891 in relation to price paid for weighing cotton. (Chap. 468, p. 650, approved March 8, 1897.)

The amended chapter declares that any person or persons violating the provisions of this act shall be fined for each offense from \$5 to \$50, or imprisoned not to exceed thirty days, and said fine shall go to the public-school fund of the county.

Protection of the spirit-turpentine workers (chap. 482, p. 659, approved March 9, 1897).

SEC. 1. Any person who shall adulterate any spirits of turpentine or who shall sell or offer for sale as pure spirits of turpentine any adulterated spirits of turpentine shall be guilty of a misdemeanor: Penalty, fine not less than \$50, or imprisonment for thirty days, or both, for each offense.

Creating a State board of equalization (chap. 510, p. 686, approved March 9, 1897).—By section 1 of this act the State board of railroad commissioners is created a State board of equalization for the purpose of equalizing the valuation of property throughout the State as herein prescribed; by increase or decrease of valuation of any class of property, and by increase or decrease of aggregate valuation of property, which increase and decrease is herein regulated.

The State auditor is required to certify changes to county register, and county register to enter changes on assessment book.

The State board shall prescribe rules and regulations for carrying this act into effect, for the government of assessors, and for the government of county registers. It shall have exclusive power to assess all telegraph and telephone lines and the railroad track and rolling stock of all persons, companies, or corporations owning, operating, or constructing any telegraph or telephone line or railroad wholly or partly within the State of North Carolina, the listing of such property being regulated and the value thereof apportioned.

Failure, neglect, or refusal by officer to perform any act required of him is declared a misdemeanor: Penalty, fine from \$100 to \$300. Formerly the fine was \$500 and imprisonment not exceeding thirty days.

Any person guilty of willful and corrupt false swearing in taking any oath or affirmation required of him by this act shall be deemed guilty of perjury and punished accordingly.

Public officers forbidden to be interested in contracts.—An act for the protection of educational and other institutions. (Chap. 543, p. 731, approved March 9, 1897.)

Section 1 declares it to be unlawful for any officer or employee of any institution supported wholly or in part by public funds to have any pecuniary interest in supplying any such institution, and declares that no officer or employee shall act as agent for any article to be used by any such institution; nor shall he receive anything for recommending or procuring the use of any manufactured article, goods, wares, or merchandise used in any of the said institutions or schools.

Violation, a misdemeanor: Penalty, fine from \$50 to \$500, and imprisonment at the discretion of the court, with removal from position in the public service.

Management of convicts in Cabarrus County (chap. 544, p. 732, approved March 9, 1897).—By the amendment of chapter 355 of 1887 it is declared that the

sheriff and county commissioners are not liable as for an escape in the event that any person sentenced to be worked upon the public roads shall be allowed the privilege of remaining unshackled or of going beyond the call of the guards, especial privileges being granted to convicts deemed worthy of trust.

Any superintendent of convicts, guard, or other person who shall strike the shackles or chains from any convict without a written order from the board of county commissioners shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days.

Permitting or assisting a convict to escape is declared a misdemeanor and subject to the above penalty.

Commissioners of Cumberland County (chap. 149, p. 203, approved February 25, 1897).—Authorizes the board of commissioners of Cumberland County to fund their debt.

Section 6 makes it a misdemeanor to use special taxes for other purposes than sinking fund.

Chapter 217, p. 355, approved March 3, 1897, is a similar law relating to the same county.

Licensed pharmacists (chap. 182, p. 308, approved March 1, 1897).—Amends chapter 34 of the code of North Carolina. It is made unlawful for persons other than licensed pharmacutists to conduct pharmacy. License to be renewed annually. Failure to renew and display license, misdemeanor; also to permit compounding of medicines by persons not licensed, a misdemeanor.

Distribution of dead bodies for scientific purposes (chap. 203, p. 344, approved March 1, 1897).—The professors of anatomy of the several medical colleges of the State shall be a board for the delivery and distribution of dead human bodies for the promotion of medical science. Officers having charge of dead bodies requiring to be buried at public expense, or of executed criminals, are to notify the board, and deliver such body to its agent. But notice is not to be given if body is claimed for burial, except in case of criminals, nor in case of travelers dying suddenly. The expense of delivering bodies and of the board to be borne by colleges.

SEC. 8. Persons failing or refusing to perform any duties imposed by this act shall be fined from \$100 to \$500.

Embezzlement (chap. 31, p. 83, approved February 6, 1897).—Amends section 1014 of the code so as to make guardians, administrator, and executors who misappropriate their funds liable to indictment for embezzlement.

Elections.—An act to amend the election law of North Carolina. (Chap. 185, p. 311, approved March 9, 1897.)

The amended sections of this act deal with the appointment of election officers and their qualifications; with the supervisory power of judges of supreme and superior courts over election officers and their appointment and removal; with registration of voters; with challenge of voters; with provision that voting places shall be without division, partition, screen, or curtain; with filing of State and county tickets, declaring it unlawful to print or have in possession counterfeit tickets. Violation, a misdemeanor: Penalty, fine and imprisonment, at the discretion of the court.

Provision is made concerning privilege from arrest on registration or election days for offenses other than treason or felony. Any sheriff, policeman, or other officer who shall arrest any elector or voter contrary to this provision shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Absence from employment or service is allowed for registration and vote without penalty from employer by reason of such absence.

The time for holding city elections and the registration therefor is regulated; also other features of such city elections.

NOTE.—The new features of above act that concern penalties are such as are imposed for printing counterfeit election tickets and for unlawful arrest on election or registration days.

GAME LAWS.

Oysters.—An act to provide for and promote the oyster industry of the State of North Carolina. (Chap. 13, p. 61, approved February 23, 1897.)

Sections of this act provide for obtaining license to take oysters in waters of the State of North Carolina with hand tongs, rakes, scoops, or dredges; but not with scoops, rakes and dredges, except from December 1 to May 1, in any year; for col-

lecting tax upon boats or vessels engaged in taking or catching oysters from the public oyster grounds or natural oyster beds.

SEC. 6. No owner or master of any boat, vessel, or other craft, or any employee, servant, or hiring of either, shall use for the purpose of taking or catching oysters from the public oyster grounds or natural oyster beds of the State any instrument, implement, or tool other than the ordinary hand tongs, except in depth of more than 10 feet of water; provided, that nothing in this section shall permit the use of any instrument other than ordinary hand tongs within certain limits of territory during the months of February, March, and April in any year.

Violation, a misdemeanor: Penalty, fine from \$1,000 to \$5,000 and imprisonment from one to five years in the penitentiary; boat or vessel engaged in said violation to be seized and sold.

Provision is further made for making monthly returns of oysters purchased, for culling oysters, for returning shells and small oysters to beds, and for planting oysters on private grounds.

The measurement of oysters is regulated; also the use of oyster boats.

The governor of the State is authorized to appoint a chief inspector, who shall appoint deputy inspectors, their duties relative to the inspection of oysters and the enforcement of the laws being defined herein.

It is declared lawful for chief or deputy inspectors to have certain canal bridges closed when necessary to prevent escapes of vessels violating the law. All such vessels or steamers shall not only be liable for the tax due on all oysters found on board, but in addition thereto shall be liable for all costs and expenses incurred by reason of stoppage; and upon refusal to pay said tax and cost may be seized and sold to satisfy said charges.

Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from twenty to thirty days, or both.

NOTE.—Above act embraces former legislation, with new features not affecting penalties.

Albemarle Sound.—An act to prevent the fishing of certain nets in the Albemarle Sound and in the rivers emptying therein. (Chap. 51, p. 103, approved February 10, 1897.)

Section 1 prohibits setting any anchor, drift, or stake gill nets for the purpose of catching fish in the Albemarle Sound or in the rivers emptying into said sound.

Sections 2 and 3 regulate the length of nets for the purposes of this act.

Violation, a misdemeanor: Penalty, fine not less than \$100 or imprisonment not less than 30 days, or both, and in addition forfeiture and payment of the sum of \$100 for each day such nets may be fished.

Warren County.—An act for the protection of game in Warren County and for regulating the hunting and shooting of same. (Chap. 74, p. 124, approved February 18, 1897.)

Section 1 prohibits killing, shooting, trapping, netting, or hunting any partridges, quail, doves, robins, larks, or wild turkeys in the county of Warren between March 15 and October 10 in each year.

Section 2 prohibits killing or shooting any wild turkeys at bait in the county of Warren.

Violation, a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days for each offense.

NOTE.—Code of 1883, section 2834, makes close season from April 1 to October 15. Penalty for violation, fine not exceeding \$10 for each offense.

Stokes County.—An act to amend the bird law relative to Stokes County. (Chap. 77, p. 125, approved February 18, 1897.)

Section 1 prohibits hunting with gun or dogs on the land of another in the county of Stokes without obtaining leave of owner. Violation, a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Section 2 declares that any person who shall net or trap partridges or quail in the county of Stokes shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

NOTE.—Code of 1883, section 2831, makes penalty for every offense fine of \$10, provided no such recovery shall be had unless the owner of the land puts up notice against trespass. The person hunting, after having been so forbidden, is declared guilty of misdemeanor and subject to a fine not exceeding \$10 or imprisonment not exceeding ten days for each and every offense.

Hyde County.—An act to protect deer in Hyde County. (Chap. 81, p. 128, approved February 18, 1897.)

Section 1 prohibits hunting with gun, or chasing with a dog, or killing or destroying any deer running wild in the woods in the county of Hyde between February 15

and August 1 next ensuing, unless in an inclosure surrounded by a fence at least 5 feet high, and where a person shall have a lawful right so to do.

Violation is declared a misdemeanor.

NOTE.—New feature: Change in time of close season. Former penalty, fine of \$50 for each offense.

Dare County.—An act to protect deer, quail, and partridges in Dare County. (Chap. 82, p. 128, approved February 18, 1897.)

Sections 1 and 2 prohibit killing or capturing either with gun, trap, or dogs, or otherwise, or offering for sale any deer, quail, or partridge in the county of Dare between March 1 and October 15 of each and every year; also destroying the eggs of any quail or partridge in Dare County at any time.

Violation, a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding 30 days, or both fine and imprisonment.

NOTE.—Former penalty for killing deer in close season was fine of \$50; for killing quail or partridge, fine of \$10 for each offense.

Watauga County.—An act for the protection of trout and other fish in Banner Elk, Watauga County. (Chap. 130, p. 183, approved February 23, 1897.)

Section 1 declares that it shall be unlawful for the owner of any steam sawmill to permit sawdust from his mill to flow into Banner Elk.

Violation, a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court.

NOTE.—Former legislation relating to Buck Creek, McDowell County, declares violation a misdemeanor and subject to fine from \$10 to \$50 or imprisonment from ten to thirty days.

Neuse River.—An act to prohibit the use of dutch or pond nets and fish traps in the waters of Neuse River. (Chap. 145, p. 198, approved February 25, 1897.)

Section 1 prohibits the use of any dutch or pond net or other stationary trap in the waters of Neuse River for the purpose of taking fish therefrom, under penalty of \$50 for each day's use thereof, and in addition offender shall be guilty of a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from six months to twelve months.

NOTE.—Former penalty, fine from \$5 to \$50 or imprisonment not exceeding thirty days for each day's use.

Randolph and Davidson counties.—An act to protect birds in Randolph and Davidson counties. (Chap. 146, p. 199, approved February 25, 1897.)

Section 1 prohibits killing, shooting, trapping, or netting partridges, quail, wild turkeys, or woodcocks in the counties named in act between March 1 and November 15 in each year. Violation, a misdemeanor: Penalty, fine not exceeding \$10 or imprisonment not exceeding ten days.

NOTE.—New feature: Change in close season.

Yadkin County.—An act to prohibit hunting on any lands in Yadkin County, except by consent of owner. (Chap. 154, p. 210, approved February 26, 1897.)

Section 1 prohibits hunting upon the lands of another in Yadkin County, with or without gun or dogs, except by written consent of the owner.

Violation, a misdemeanor: Penalty, fine from \$5 to \$10 for each offense.

NOTE.—Formerly fine not exceeding \$10 or imprisonment not exceeding ten days for each offense.

Haywood and Mecklenburg counties.—An act to prohibit hunting birds upon any lands in the counties of Haywood, Mecklenburg, and others. (Chap. 232, p. 382, approved March 3, 1897.)

Section 1 prohibits hunting birds upon the lands of another in certain counties named, with or without guns or dogs, except by the consent of the owners.

Violation, a misdemeanor: Penalty, fine from \$5 to \$10.

Chatham County.—An act to protect certain birds in Chatham County. (Chap. 266, p. 452, approved March 5, 1897.)

Section 1 prohibits hunting with dog or gun, or killing, shooting, trapping, or netting any partridges, quail, or wild turkeys in Chatham County between the last day of February and November 1 in each year.

Violation, a misdemeanor: Penalty, fine not less than \$5 or imprisonment not exceeding thirty days for each offense.

NOTE.—New feature: Change in time of close season. Former penalty, fine not exceeding \$10 for each offense.

Albemarle Sound.—An act to regulate the setting of nets in certain portions of Albemarle Sound. (Chap. 287, p. 465, approved March 8, 1897.)

Section 1 prohibits setting or constructing shad nets in Albemarle Sound, except as herein regulated.

Violation, a misdemeanor: Penalty, fine not exceeding \$10 or imprisonment not exceeding ten days.

Currituck County.—An act to regulate the gunning and fishing in Currituck County. (Chap. 291, p. 468, approved March 8, 1897.)

Sections of this act prohibit hunting or shooting any wild fowl in county named from any box, battery, or float of any kind by nonresidents of the State of North Carolina; also hunting, shooting, taking, or capturing any wild fowl in said county during the close season herein defined, or to sell or ship out of the State during the close season; also hunting, shooting, or capturing any wild fowl in said county on Wednesday, Saturday, or Sunday, between November 1 and March 31 of the following year, or disturbing any raft of wild fowl in or on the waters of Currituck Sound on the days above mentioned, unless unavoidable in the usual course of navigation; also leaving landing or anchorage before daylight for the purpose of hunting wild fowl or fishing in the waters of Currituck Sound, or continuing to hunt and fish after dark; also taking or capturing fish with nets or other appliances in said sound during the close season herein defined, except certain fishes named; also sailing, rowing, or propelling a boat over the waters of said sound on Sunday for the purpose of locating wild fowl or fish nets for a future day; also interfering with citizen gunning or fishing in Currituck Sound or tributaries.

Violation of any of the above provisions is declared a misdemeanor: Penalty, fine from \$5 to \$50 or imprisonment not exceeding thirty days for each offense.

NOTE.—New features: First. Concerning capturing wild fowl in Currituck County during close season.

Second. Leaving landing or anchorage before daylight or continuing to hunt after dark.

Third. Locating fowl or fish nets on Sunday.

Fourth. Interference with citizen gunning.

Former penalty for violation of law passed in 1887 was fine from \$10 to \$50 or imprisonment from five to thirty days.

Cherokee County.—An act to protect fish and certain game in the county of Cherokee. (Chap. 293, p. 470, approved March 8, 1897.)

Section 1 prohibits the use of any finger or fall traps for the purpose of catching fish in certain rivers named in said county of Cherokee; also building pens or traps for the purpose of catching wild turkeys, or hunting or shooting wild turkeys or pheasants from May 10 to October 10 of any year.

Violation, a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court.

Trent River.—An act to protect fish in Trent River. (Chap. 294, p. 471, approved March 8, 1897.)

Section 1 prohibits setting any trap or pod net in the channel of Trent River.

Section 2 regulates the extension of set nets.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine from \$5 to \$10 or imprisonment from ten to thirty days. Formerly fine from \$5 to \$10 or imprisonment from ten to twenty days.

Pasquotank County.—An act to regulate fishing in Newbegun Creek, in Pasquotank County. (Chap. 322, p. 492, approved March 8, 1897.)

Section 1 prohibits setting nets in creek named within 800 yards of mouth of said creek; also within 400 yards of the mouth of Pasquotank River.

Section 2 prohibits setting nets in Newbegun Creek which shall extend beyond the middle of said creek, or within 300 yards of any net previously set; the setting of nets is still further regulated, and permitting seines to lie still in said waters is prohibited.

Violation of provisions of this act is declared a misdemeanor: Penalty, fine from \$10 to \$50 or imprisonment not exceeding thirty days for each offense, or both fine and imprisonment, which latter is an addition to former penalty.

NOTE.—New features: First. Concerning regulations for setting nets.

Second. Prohibition against allowing seine to lie still.

Brunswick County.—An act to prohibit taking clams in the waters of Brunswick County for market between April 15 and November 15. (Chap. 333, p. 510, approved March 5, 1897.)

Section 1 prohibits any person from taking clams from the waters of Brunswick County for market, or to pound or bed any clams in any of said waters, between April 15 and November 15 of any year.

Violation, a misdemeanor: Penalty, fine not exceeding \$25 or imprisonment for thirty days for each offense.

Haywood County.—An act to prevent fishing in Winchester creeks, tributaries of Brendles Fork of Richland Creek, in Haywood County. (Chap. 352, p. 536, approved March 6, 1897.)

Section 1 prohibits fishing in creeks named in act without the written permission of the owner of the land through which the said creeks run after a printed copy of this act shall have been posted at the court-house door in Waynesville and at the public road nearest the mouth of each of the said Winchester creeks.

Violation, a misdemeanor: Penalty, fine from \$10 to \$30.

Cattaloochee Creek, Haywood County.—An act to protect mountain or speckled trout fish in Cattaloochee Creek and its tributaries in Haywood County. (Chap. 354, p. 537, approved March 6, 1897.)

The sections of this act prohibit fishing for mountain or speckled trout in creek named or its tributaries for the purpose of offering such fish for sale; also buying such trout fish, or hiring any person to fish therein for said trout fish without obtaining written permission of owner of land adjacent to the creek after a printed copy of this act shall have been posted at the court-house door in Waynesville and three conspicuous public places in the territory traversed by said creek and its tributaries for at least thirty days.

Violation, a misdemeanor: Penalty, fine from \$5 to \$20 or imprisonment not exceeding thirty days.

NOTE.—Reenactment of chapter 61 of the laws of 1885. Formerly the penalty imposed was fine from \$10 to \$20.

James S. Mitchell's mill pond in Bertie County (chap. 390, p. 572, approved March 9, 1897).

Section 1 prohibits fishing with seines or nets in the mill pond named in act.

Violation, a misdemeanor: Penalty, fine of \$10 for each offense.

Moore County (chap. 384, p. 564, approved March 9, 1897).—Sections of this act prohibit hunting with a gun or chasing with a gun, or in any manner killing or destroying any wild deer within the limits of Moore County at any time within four years from the ratification of this act, except it be within an inclosure and in possession of person so doing; also killing or destroying wild turkeys in said county by means of entrapping in pens or baiting and shooting from blinds.

Violation, a misdemeanor: Penalty, fine from \$5 to \$25 or imprisonment not exceeding thirty days for each offense.

French Broad River, Transylvania County.—An act to prevent fishing in the waters of the Middle Fork of French Broad River and its tributaries in Transylvania County. (Chap. 401, p. 586, approved March 9, 1897.)

Section 1 prohibits fishing with hook, seine, or otherwise within two years from the ratification of this act in the waters named in act.

Violation, a misdemeanor: Penalty, fine from \$5 to \$25.

County of Tyrrell (chap. 404, p. 588, approved March 9, 1897).—Section 1 prohibits killing or capturing with dog or gun, or offering for sale, or buying any deer in the county of Tyrrell between February 15 and August 1 of each year.

Section 2 declares it unlawful for a nonresident of said county to hunt on any land therein without permission of owners.

Section 3 provides for paying a bounty of \$2 for each bear killed in said county of Tyrrell.

Violation of the provisions of this act is declared a misdemeanor: Penalty, fine of \$50, or imprisonment not exceeding ten days.

NOTE.—New features: First, unlawful for nonresident to hunt without permission; second, provision for bounty for bears killed.

Chatham County.—An act for the relief of land owners in the county of Chatham. (Chap. 405, p. 588, approved March 9, 1897.)

Section 1 prohibits hunting birds with gun or dog upon any cultivated or cleared lands in Chatham County without permission of the land owner.

Violation, a misdemeanor: Penalty, fine not exceeding \$10 or imprisonment not exceeding ten days.

Dare County.—An act for the better protection of wild fowls in the waters of Dare County. (Chap. 415, p. 600, approved March 9, 1897.)

Section 1 prohibits all nonresidents of the State of North Carolina from shooting wild fowls in the waters of Dare County, within the boundaries as herein defined, from either a blind, battery, box, float, or raft without first obtaining a license therefor, as herein provided.

Section 2 defines the boundaries of prohibited territory.

Section 3 provides for the appointment of game constables, fixes their term of office, and defines their duties.

SEC. 4. Game constables shall be required to give bond for the faithful discharge of the duties imposed by this act.

All such persons or their aiders or abettors who shall violate this act shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Person County.—An act to forbid hunting on lands in Person County, North Carolina, by nonresidents. (Chap. 417, p. 602, approved March 9, 1897.)

SEC. 1. All persons who are not residents of the State of North Carolina are forbidden to hunt with gun or dogs on the lands of any person without consent of owner.

Violation subjects to fine from \$10 to \$15, and is declared a misdemeanor.

Catawba River.—An act to remove the obstruction to fish in Catawba River and to provide fish-ways. (Chap. 431, p. 618, approved March 9, 1897.)

Sections of this act provide for the appointment of a special jury to view the river named in act, and to designate the places where obstruction should be removed and the width of the fish passage, said jury to contract for removal of obstructions.

Any person obstructing fish-ways in said river shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50 and costs, or imprisonment for thirty days.

Catawba River.—An act to amend chapter 341, laws of 1891, to open fish-ways in Catawba River. (Chap. 439, p. 629, approved March 8, 1897.)

The amended chapter provides for a penalty of \$25 for every day that the obstruction of fish passage by dams for manufacturing purposes is allowed to remain. And in addition to the penalties herein prescribed any person violating any provisions of this act shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days.

Rockingham County.—An act for the better protection of fish and game in Rockingham County. (Chap. 447, p. 633, approved March 8, 1897.)

Section 1 prohibits hunting or fishing on the lands of another in Rockingham County without written consent of the owner.

Violation, a misdemeanor: Penalty, fine from \$5 to \$10.

To protect deer in certain counties (chap. 453, p. 644, approved March 8, 1897).—Section 1 prohibits hunting with gun, or chasing with dog, or killing or destroying any wild deer within the next five years.

Violation a misdemeanor: Penalty, fine from \$15 to \$50, or imprisonment not less than thirty days or both fine and imprisonment. This act shall apply only to the counties of Macon and Clay.

Pasquotank county (chap. 454, p. 644, approved March 8, 1897).—Section 1 prohibits shooting, trapping, or killing partridges except between December 1 and March 15 following, or hunting or killing squirrels except between October 1 and March 1 of the following year.

Violation a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

NOTE.—New features: First, change of time in close season; second, former penalty was fine of \$10 for each offense.

Fishing machines on Roanoke River (chap. 478, p. 658, approved March 9, 1897).—Section 1 declares that no person shall put logs adrift in the Roanoke River without remaining with them, and if said logs shall damage any fishing machines, the owners shall pay a fine from \$10 to \$50 or be imprisoned for not more than thirty days.

Wild fowl in Hyde County (chap. 484, p. 660, approved March 9, 1897).—Section 1 prohibits shooting wild fowl in the waters of Pamlico Sound in Hyde County from any box, battery, or float not on land at the time; provided, that residents of the State of North Carolina may shoot from batteries on certain days of the week.

Section 2 prohibits shooting, with long range rifle, wild geese or ducks in the waters of Mattamuskeet Lake in Hyde County, or shooting the same after sunset until sunrise.

Violation a misdemeanor: Penalty, fine from \$10 to \$50.

NOTE.—New feature: Concerning use of long-range rifle.

Mocking Birds (chap. 491, p. 669, approved March 9, 1897).—By this act persons are prohibited from robbing or destroying the nests of mocking birds or taking eggs from nests of same or killing mocking birds under penalty of fine not less than \$10, and is also declared guilty of a misdemeanor.

Allegheny County (chap. 504, p. 683, approved March 9, 1897).—Sections of this act prohibit operating sawmills either by water power or by steam on creek namec, or to run or throw sawdust, in the waters thereof; also catching fish in the water of said creek with seine or nets from April 1 to October 1 of each year.

Violation, a misdemeanor: Penalty, fine from \$5 to \$25, or imprisonment not exceeding thirty days.

Camden County (chap. 558, p. 740, approved March 9, 1897).—Section 1 prohibits killing or destroying partridges in said county from March 1 until October 15; also killing or destroying mocking birds at any time of the year.

Section 2 prohibits nonresident persons of the State from hunting birds or other wild fowl in said county.

Violation of the provisions of this act is declared a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days.

Nonresidents (chap. 35, p. 85, approved February 9, 1897).—Amends section 2202. Forbids persons who are nonresidents to fish for marketable purposes without first getting a license and paying a privilege tax of \$2,500 per annum. Any person violating this section shall pay the sum of \$500 for each day engaged in fishing; also guilty of a misdemeanor, and may be fined not exceeding \$3,000, or imprisonment not exceeding two years, or both. Citizens acting as agents or in partnership with nonresidents for the purpose of evading this section shall be deemed guilty of a misdemeanor: Penalty, fine not less than \$100, and imprisonment not less than six months, or both.

Macon County (chap. 423, p. 608, approved March 9, 1897).—Protects wild turkeys in Macon County during closed season. Violation, misdemeanor.

Section 2 makes it unlawful to trap turkeys in Macon County. Violation, a misdemeanor, and fine \$10 in each case, or imprisonment, or both, in the discretion of the court.

LIQUOR LAWS.

Public Drunkenness.—An act to prevent drunkenness. (Chap. 57, p. 109, approved February 13, 1897.)

Section 1 declares that any person found drunk or intoxicated on the public highway or public road, at any public meeting, shall be guilty of a misdemeanor: Penalty, fine not less than \$10, or imprisonment not exceeding thirty days.

Section 2 provides for the arrest of the accused, and declares that this act shall apply only to the counties of Buncombe, Transylvania, and Henderson.

Nash County.—An act relating to school district No. 30, for the white race in Nash County. (Chap. 48, p. 96, approved February 10, 1897.)

Section 1 defines the boundaries of said school district No 30, in Nash County, for the white race.

Section 2 prohibits the sale of intoxicating liquors, including cider and wine, within the limits of said school district in quantities less than 5 gallons. Violation, a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

Section 4 prohibits giving away intoxicating liquors, including cider and wine, at any public gathering within 1 mile of Mount Pleasant Academy, in the aforesaid school district. Violation subjects to fine from \$5 to \$25.

McDowell County.—An act to incorporate Strowd's Chapel, in McDowell County. (Chap. 116, p. 163, approved February 20, 1897.)

Section 1 prohibits selling or giving away intoxicating liquors within one-half mile of Strowd's Chapel, in McDowell County.

Violation, a misdemeanor: Penalty, fine from \$5 to \$50, or imprisonment from thirty days to six months, or both fine and imprisonment.

Parkersburg Academy, Sampson County.—An act to prohibit the sale of spirituous liquors or other intoxicating drinks within 3 miles of Parkersburg Academy, in Sampson County. (Chap. 161, p. 222, approved February 26, 1897.)

Section 1 prohibits the sale or otherwise disposing of any intoxicating drinks within the district named in act.

Violation, a misdemeanor: Penalty, fine from \$5 to \$10, or imprisonment from ten to thirty days for each offense.

Bladen County.—An act to establish a dispensary for Bladen County. (Chap. 180, p. 304, approved March 1, 1897.)

Section 1 prohibits the sale or manufacture of intoxicating liquors except as hereinafter provided. Violation, a misdemeanor: Penalty, fine or imprisonment at the discretion of the court.

Sections 2 and 3 provide for the establishment of a county dispensary by the board of county commissioners, and regulate the management of same.

Sections 4 to 10 deal with the management of said dispensary with respect to the purchase and sale of liquors therein.

Section 10 provides for the inspection and analysis of stock on hand in said dispensary, and no liquors shall be sold that are not well known in the market as pure and unadulterated.

Section 11 declares it unlawful to adulterate or in any manner change the proof of any liquors belonging to said dispensary under penalty of fine or imprisonment at the discretion of the court.

Sec. 12. The manager of the dispensary shall not allow loitering in or about the dispensary and the premises. Failure to comply with this provision subjects to removal from office; and any person refusing to leave the dispensary shall be subject to fine not exceeding \$10.

Waxhaw.—An act to establish a dispensary at Waxhaw, N. C. (Chap. 191, p. 323, approved March 1, 1897.)

Section 1 prohibits the sale of intoxicating liquors, except as hereinafter provided, within the limits of the town of Waxhaw, Union County, N. C.

Sections 2 and 3 provide for the appointment of dispensary commissioners, whose duty shall be to establish a suitable place for the sale of spirituous liquors within the corporate limits of the town of Waxhaw, and regulate the management of said establishment, herein styled a dispensary.

Sections 4 to 8 deal with the management of said dispensary with respect to the purchase and sale of liquors therein.

Section 8 provides for the inspection and analysis of liquors on hand in said dispensary, and no liquors shall be sold that are not well known in the market as pure and unadulterated.

Sec. 10. The manager of the dispensary shall not allow loitering in or about the dispensary and upon the premises. Failure to comply with this provision subjects to removal from office, and any person refusing to leave the dispensary shall be punished as prescribed by the ordinances of the town.

The mayor and board of town commissioners are authorized to pass such ordinances as may be necessary to carry out the purposes of this act, and to provide suitable penalties for violation of provisions.

Sections 12 to 16 relate to appropriations for establishment of said dispensary; with annual report showing amount of money expended in purchase of liquors, money realized, and expenses of said dispensary; with the payment of tax for license to sell liquors under this act; and with the remuneration of the dispensary commissioners for their services.

Section 16 prohibits the sale of liquor within the limits of Jackson and Sandy Ridge townships in Union County. Violation, a misdemeanor: Penalty, fine from \$50 to \$200, and imprisonment not less than thirty days.

Cumberland County.—An act to regulate the sale of liquor in Cumberland County, and to establish a dispensary. (Chap. 235, p. 387, approved March 5, 1897.)

Section 1 prohibits the sale of spirituous or malt liquors in the county of Cumberland, except by licensed druggist, and manufacturers of proprietary medicines. If said licensed druggist shall sell or dispose of said liquor for any other purpose than as herein authorized he shall be liable to a fine of \$50 for every offense.

Other sections provide for the constitution of a dispensary board for Cumberland County, who shall establish one or more dispensaries in said county, one in the city of Fayetteville, which shall be the county dispensary for the sale of spirituous and malt liquors.

Said board shall elect or appoint managers for each dispensary established, who shall, under the supervision of the dispensary board, purchase all spirituous and malt liquors for furnishing the dispensary or dispensaries.

The sale of liquors at the said dispensary or dispensaries is regulated, and shall be sold only upon application in writing. If any person shall make any false or fictitious signature or signs any name other than his own to any application without authority, or shall make any false statement to procure liquor, the person so offending shall be guilty of a misdemeanor: Penalty, fine not exceeding \$25, or imprisonment not exceeding thirty days.

The profits of the county dispensary are apportioned and the duty of the dispenser or clerk relative to keeping of accounts is defined.

If said dispenser or clerk shall procure any intoxicating liquor from any person other than those that the dispensary board shall direct, and offer the same for sale, or shall adulterate any liquors which may be kept for sale under this act, he shall

be guilty of a misdemeanor: Penalty, fine not less than \$200, or imprisonment not less than six months. Misappropriation or misuse of moneys or other property by dispenser or clerk shall be punished as in case of breach of trust with fraudulent intent.

False entry in any return required to be made, or false oath touching any matter required to be sworn to under this act shall be punished by law for perjury.

Every person who shall keep or maintain by himself or combining with others, or assist in keeping or maintaining any club room or other place in which intoxicating liquors are received or sold as a beverage or for distribution among its members shall be deemed guilty of a misdemeanor: Penalty, fine not less than \$100, or imprisonment not less than three months.

All places where alcoholic liquors are manufactured, if sold, bartered, or given away in violation of this act, the person so offending shall be guilty of a misdemeanor: Penalty, fine of \$50.

Provision is made for paying the expense of maintaining dispensaries from the receipts of same, expense of establishment to be repaid to the county as soon as possible.

NOTE.—New features: First. Concerning sale on written application.

Second. Prohibiting adulteration by dispenser.

Third. Concerning keeping of books by dispenser.

Fourth. Unlawful to maintain private clubs.

Haywood County.—An act regulating and restricting the manufacture and sale of liquors in Haywood County. (Chap. 330, p. 507, approved March 5, 1897.)

Section 1 prohibits the sale or other disposal of for gain or profit any spirituous or malt liquors or other intoxicating bitters in the county of Haywood except through the dispensary.

Section 2 prohibits the manufacture of any spirituous or malt liquors within the said county, except the manufacture of fruit into brandy, provided that the same shall not be manufactured within one mile of any incorporated church, schoolhouse, or academy, and that it shall not be sold except to the commissioners of the Waynesville dispensary or licensed dealers outside of the county, and then only in packages containing 5 gallons or more.

Violation, a misdemeanor: Penalty, fine or imprisonment, or both, for each offense at the discretion of the court.

NOTE.—New feature, concerning manufacture of liquors, and provision concerning fruit brandy.

Polk County.—An act to authorize the commissioners of Polk County to order an election on the question of local option. (Chap. 312, p. 481, approved March 8, 1897.)

Section 1 declares that the county commissioners of Polk County may order elections to be held on the question of local option.

Section 2 declares that in case the majority at such election shall vote "no license" it shall be unlawful for any person to manufacture or sell spirituous liquors within said county.

Violation a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court.

Louisburg, Franklin County.—An act to provide a dispensary for the town and township of Louisburg, Franklin County. (Chap. 375, p. 553, approved March 6, 1897.)

Section 1 prohibits the manufacture, sale, barter or exchange, receipt or acceptance, for unlawful use within the town named in act, of any spirituous or other liquors, or any compound or mixture thereof, which contains alcohol and is used as a beverage, except as hereinafter provided, under penalty of fine from \$100 to \$500, or imprisonment from three to twelve months, or both fine and imprisonment.

A township board of control is constituted, who shall appoint a board of dispensary commissioners to establish a dispensary in the said town of Louisburg for the sale of spirituous, vinous, and malt liquors, the sale of such liquors in said dispensary being herein regulated. But in no event shall the manager of said dispensary sell in any form except in sealed packages, and it is declared unlawful for said manager to break any of such packages, or open the same, and no person shall open such packages on the premises.

Selling liquor to minors or intoxicated persons at said dispensary is prohibited; also for the purpose of selling, bartering, or exchanging said liquor within the limits of said township.

Violation, a misdemeanor: Penalty, fine from \$50 to \$200, or imprisonment not less than thirty days, or both fine and imprisonment.

SEC. 7. The manager of said dispensary shall not allow any persons to loiter in or about the dispensary or the premises on which the same is situated. Failure to com-

ply with this provision subjects to removal of manager, and any person refusing to leave the dispensary when ordered shall be guilty of a misdemeanor.

SEC. 9. No druggist in said township shall sell any spirituous liquors, even upon the prescription of a licensed physician; and any druggist, upon conviction of selling, bartering, exchanging, or in any manner disposing of liquors, shall forfeit his license and be subject to all the penalties provided against persons selling without authority.

SEC. 10. If any person shall make any false statement in order to obtain liquor at said dispensary he shall be guilty of a misdemeanor: Penalty, fine from \$1 to \$25, or imprisonment from three to thirty days.

Section 11 prohibits keeping or maintaining any clubroom or other place in which intoxicating liquors are received or kept for use, barter, or sale as a beverage, or for distribution among the members thereof. Violation, a misdemeanor: Penalty, fine from \$100 to \$500, or imprisonment from three to twelve months.

Provision is made for the support of said dispensary from the profits derived from the sales therein. Receipts of sales are required to be paid over weekly to the dispensary commissioners, and a strict account must be kept of all liquors received, sold, and the amount on hand of each kind for each month.

NOTE.—New as to town of Louisburg but in accordance with legislation in other places in the State of North Carolina.

Manufacture and sale of liquor near certain churches (chap. 395, p. 579, approved March 9, 1897).—Sections of this act prohibit the manufacture or sale of liquors in certain localities in the State of North Carolina within prescribed distances of churches herein named.

Violation, a misdemeanor.

Columbus County (chap. 400, p. 586, approved March 9, 1897).—Section 1 prohibits the sale or manufacture of liquors in county named except as hereinafter provided, which does not prohibit any person from making brandy, wine, and cider in said county and selling the same therein. Certain parts of said county are excepted from these provisions.

Violation, a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court, or both.

Columbus County.—An act to prohibit the sale of intoxicating liquors in certain localities. (Chap. 411, p. 596, approved March 9, 1897.)

Sections of this act prohibit the manufacture or sale of any intoxicating liquors within certain distances of certain places defined herein, and in the county of Columbus.

Violation, a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court.

Brunswick County.—An act to incorporate Blackwell's Chapel, and others in Brunswick County. (Chap. 412, p. 598, approved March 9, 1897.)

Section 1 prohibits the sale or manufacture of liquors within certain specified distances of churches named.

Violation, a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days, or both.

Union County.—An act to regulate the sale of liquors in Union County. (Chap. 449, p. 634, approved March 8, 1897.)

Section 1 prohibits the sale of spirituous or fermented liquors in Union County, except by licensed druggists and manufacturers of proprietary medicines, who shall not sell for use as a beverage. Any licensed druggist who shall sell or give away or in any manner dispose of liquors the sale of which is forbidden under this act, for any other purpose than is authorized herein, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days.

The dispensary board of Union County is constituted for the purpose of establishing a dispensary for the sale of liquors in the town of Monroe and one or more dispensaries in the county, the sale of liquors therein being regulated.

Provision is made for the appointment of managers for said dispensaries, whose duties are defined relative to the purchase and sale of liquors at said dispensaries and the making of monthly reports and settlements.

All spirituous liquors shall be bottled by the manager of the Monroe dispensary in bottles containing one-half pint, 1 pint, or 1 quart, and all malt liquors must be bottled before purchased by the manager of the county dispensary at Monroe, and all such liquors shall be sold in the bottles, and shall not be opened or drunk on the premises occupied as a dispensary. No dispensary shall be opened or remain open after sunset, nor shall they be opened on Sunday, election days, or any other days when the sale of liquor is prohibited by law.

Provision is made for liquors to be analyzed and inspected, to the end that no impure liquors may be sold at the dispensary.

Liquors shall be sold only upon written or printed application, and it shall be the duty of any manager to refuse to fill any application for liquors if he shall know that the person making it is a minor, a lunatic, an intoxicated person, or one given to the excessive use of liquor. Persons making false statements in application for liquor are declared guilty of a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days.

SEC. 9. If the dispenser or clerk shall procure any intoxicating liquor from any person other than those which the dispensary board shall direct, and offer the same for sale, or shall adulterate any intoxicating liquors which may be kept for sale in the dispensary, he shall be guilty of a misdemeanor: Penalty, fine not less than \$100, or imprisonment not less than three months. And if said dispenser or manager shall misappropriate or wrongfully dispose of any moneys or other property belonging to said dispensary, or shall fail to account for and pay over the same when demanded, he shall be guilty of embezzlement, and punished as for that crime.

Section 11 prohibits keeping or maintaining any clubroom or other place where liquors shall be sold, given away, or divided among its members. Violation, a misdemeanor: Penalty, fine not less than \$100, or imprisonment not less than thirty days, or both.

Section 13 prohibits manufacturers from selling liquors in the county of Union, except as herein allowed to the dispensary board. Violation, a misdemeanor: Penalty, fine of \$50.

Craven County.—An act to prohibit the sale of liquor within one mile of "Saints Delight" Free Will Baptist Church, in Craven County, at any time within twelve hours before or after service in said church. (Chap. 518, p. 700, approved March 9, 1897.)

Section 1 prohibits the sale of spirituous or alcoholic liquors within the district named in act at any time within twelve hours before or after any religious service in the church named.

Violation, a misdemeanor: Penalty, fine of \$25 or imprisonment not less than thirty days, or both fine and imprisonment.

NOTE.—New feature: Concerning the time of sale before and after religious service.

Marine Schoolhouse, in Onslow County (chap. 531, p. 717, approved March 9, 1897).—Under petition, sections of this act prohibit the manufacture or sale of liquors within 2 miles of Marine Schoolhouse, in Swansboro Township, in Onslow County.

Violation, a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court.

This act shall not apply, however, to the sale of wine by persons manufacturing the same out of grapes raised on their own premises.

Town of Lagrange, Lenoir County (chap. 532, p. 718, approved March 9, 1897).—Sections of this act declare that the county commissioners of Lenoir County shall, upon petition, order an election on the question of license or no license, and if the majority of votes be for no license it shall not be lawful for the board of county commissioners to license the sale of spirituous liquors, or for any person to sell the same within the said corporate limits until another election shall be held reversing such election. Violation, a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court. But if a majority of the votes cast shall be for "license," then spirituous liquors may be sold in said town of Lagrange.

Provision is made for regulating the above election.

Mountain Retreat Association (chap. 196, p. 331, approved March 2, 1897).—Incorporates the Mountain Retreat Association, to establish a municipality in the mountain section of North Carolina for the encouragement of Christian work and living, etc.

Section 7 forbids the manufacture, sale, or keeping for sale of liquors within 3 miles of the principal office of the corporation. Violation, a misdemeanor: Penalty, fine and imprisonment, in the discretion of the court. Persons sentenced to imprisonment, except females, may be worked on public streets or works.

Marshville (chap. 209, p. 349, approved March 3, 1897).—Amends chapter 94 of the acts of 1876-77. Changes the name of the town from Griffinsville to Marshville.

SEC. 2. It is made unlawful to sell liquor within corporate limits. Violation, a misdemeanor: Penalty, fine or imprisonment, in the discretion of the court.

DRAINAGE LAWS.

Lincoln County.—An act for the better drainage of certain lowlands in Lincoln County. (Chap. 250, p. 420, approved March 5, 1897.)

Section 1 defines the district to be drained.

Section 2 provides for the appointment of commissioners, whose duties are defined relative to the draining of said district.

The commissioners shall make report to the supervisors of roads, who shall appoint overseers to open, clear, and cut the necessary drainage, and to stop or change all washes and to prevent the inflowing of sand upon the bottom lands of said district.

Any person owning lands in said drainage district who shall fail to furnish the hands required of him to work, or to pay the \$1 per day for each day and hand required of him shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$30, or imprisonment not exceeding thirty days for each offense.

Overseers shall be liable to penalties as prescribed by law for overseers of public roads.

Any person who shall knowingly and willfully fell any timber or otherwise obstruct the water courses of said drainage district and allow the same to remain therein for five days or more shall be deemed guilty of a misdemeanor: Penalty, fine from \$5 to \$10, or imprisonment not exceeding ten days.

Davie County.—An act to provide for the opening and better drainage of Mill Creek, or Brock Branch, in the county of Davie. (Chap. 252, p. 429, approved March 5, 1897.)

Section 1 provides for the appointment of Creek commissioners, whose duty is defined relative to the inspection of streams named in act, and the ordering of landowners thereupon to open, straighten, or clear said ditch. Failure after twenty days' notice by creek commissioners to comply with order is declared a misdemeanor: Penalty, fine from \$10 to \$20.

Any creek commissioner refusing to comply with and perform the duties required of him by this act shall be guilty of a misdemeanor: Penalty, fine from \$10 to \$20.

Big Sugar Creek.—An act to provide for the better drainage of Big Sugar Creek, in Berry Hill Township, Mecklenburg County. (Chap. 271, p. 454, approved March 8, 1897.)

Section 1 provides for the appointment of drainage commissioners in Berry Hill Township, who shall appoint overseers to inspect the lands on both sides of the creek named in act and point out to the owner of said lands any and all obstructions and hindrances to the flow of water in said creek, and shall order the removal of the same by the landowner.

It shall be the duty of the landowners along said creek to keep the channel clear of all stumps, trees, logs, drift, trash, and any other hindrance.

The milldam on said creek shall have flood gates, which shall be open for not less than forty-eight hours at one time during the months of April and October of each year.

Any person willfully obstructing the flow of said stream by felling timber into it, or failing to comply with this act after ten days' notice, shall be guilty of a misdemeanor: Penalty, fine from \$10 to \$25, or imprisonment not exceeding thirty days.

NOTE.—Former penalty, fine from \$5 to \$10.

Rockingham County.—An act to drain the lowlands of Hogans Creek, in Rockingham County. (Chap. 319, p. 489, approved March 8, 1897.)

Sections of this act provide for the appointment of commissioners to lay off Hogans Creek, in Rockingham County, in sections for the purpose of drainage, and to appoint overseers, who shall furnish hands and tools for such work of drainage as herein prescribed.

The duty of said overseers is defined relative to straightening, removing obstructions, and improving the banks of said stream.

Felling timber into or otherwise obstructing the water in the channel of said stream, and permitting the same to remain therein for a space of ten days, is declared a misdemeanor: Penalty, fine from \$5 to \$10.

Any overseer failing or neglecting to perform the duties required of him by this act shall be guilty of a misdemeanor: Penalty, fine from \$5 to \$10.

Carters Creek, Davie County.—An act to provide for the better drainage on the lowlands on Carters Creek, in Davie County. (Chap. 336, p. 511, approved March 5, 1897.)

Sections of this act provide for the appointment of commissioners, whose duty shall be to select and employ some suitable person to superintend and oversee the

hands which they are hereby authorized to employ for the purpose of cleaning out, straightening, and deepening said Carters Creek, so as to better drain the lowlands through which it runs between the boundaries herein designated.

The levy of an assessment upon landowners within the boundary of said creek is regulated and provision made for the collection of the same.

SEC. 8. All landowners on the tributaries of said creek shall spend one day in the spring and one day in the fall of year for the purpose of stopping washes and drains and damming and filling upgulleys to prevent the inflowing of sand in said tributaries.

Felling timber or allowing any drift to remain on land in said creek, between said boundaries, or otherwise obstructing the same, and allowing the obstruction to remain therein for the space of ten days, is declared a misdemeanor: Penalty, fine or imprisonment at the discretion of the court.

Iredell and Rowan counties.—An act for the drainage of Fourth Creek in Iredell and Rowan counties. (Chap. 472, p. 653, approved March 9, 1897.)

Sections of this act provide for the appointment of commissioners to lay off Fourth Creek into sections for purpose of draining, and to appoint overseers for the work.

The duty of said commissioners relative to estimating the bottom lands in said counties is defined, and provision is made for each landowner to furnish an efficient hand with appropriate tools for every 10 acres of land owned by him, and on failing so to do he shall forfeit and pay \$2 per day for failure on each hand.

It shall be the duty of each overseer, with the hands provided, to work not less than four nor more than twenty days on the channel of said creek, and overseer shall have power to straighten the same where necessary, to remove obstructions and to improve the banks thereof.

Felling timber or otherwise obstructing the water of channel of said creek and permitting the same to remain therein for the space of ten days is declared a misdemeanor: Penalty, fine from \$5 to \$10.

Any commissioner or overseer failing or neglecting to perform the duties required of him by this act shall be guilty of a misdemeanor: Penalty, fine from \$10 to \$20.

Willfully obstructing the said commissioners, engineer, surveyor, overseer, or hands in carrying out the provisions of this act is declared a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment not exceeding thirty days.

Failure to appear at work on said creek is declared a misdemeanor, but the work upon said stream or streams shall be done only in the months of July, August, and September.

Caswell County.—An act to drain the lowlands of Rattlesnake Creek, in Caswell County. (Chap. 492, p. 669, approved March 9, 1897.)

Sections of this act provide for the appointment of commissioners to lay off the said creek into sections for the purpose of drainage, and to appoint overseers who shall furnish hands and tools, and on failure so to do shall forfeit and pay \$1 per day for failure on each hand.

It shall be the duty of each overseer, with the hands provided, to work not less than two nor more than six days in each year in the channel of said stream, with the power to straighten, remove obstructions, and improve the banks thereof.

Felling timber into or otherwise obstructing the waters in the channel and permitting the same to remain therein for the space of ten days is declared a misdemeanor: Penalty, fine from \$5 to \$10.

Failure or neglect on the part of overseer to perform the duties required of him by this act is declared a misdemeanor: Penalty, fine from \$5 to \$15.

Alamance County (chap. 503, p. 681, approved March 6, 1897).—Sections of this act provide for the appointment of commissioners to divide said creek into sections for the purpose of drainage, and to appoint overseers who shall furnish hands and tools as herein designated, and upon failure so to do shall forfeit and pay \$1 per day for failure on each hand.

It shall be the duty of each overseer, with the hands provided, to work from three to ten days in each year in the channel of said stream, with power to straighten, remove obstructions, and improve the banks thereof.

Felling timber into or otherwise obstructing the channel of said stream and permitting obstructions to remain therein for the space of ten days is declared a misdemeanor: Penalty, fine from \$5 to \$10.

Failure or neglect by overseer to perform the duties required of him is declared a misdemeanor: Penalty, fine from \$5 to \$10.

Guilford and Forsyth counties.—An act for the better drainage of Reedy Fork Creek in Guilford and Forsyth counties. (Chap. 529, p. 713, approved March 9, 1897.)

Sections of this act provide for the laying off of sections of Reedy Fork Creek and its tributaries for the purpose of drainage, and the commissioners herein appointed

shall have power to lay off the amount of work to be done by landowners in ditching the land, and to levy a tax for the same.

The duty of said commissioners is defined relative to notifying landowners of their purpose to ditch their land, and to the collection of taxes levied to defray the expenses of said ditching.

Any owner of land who shall willfully obstruct the said commissioners, overseers, or their hands in carrying out the provisions of this act shall be guilty of a misdemeanor: Penalty, fine or imprisonment, or both, at the discretion of the court.

PUBLIC ROADS.

Alleghany County.—An act in relation to keeping in repair the cartways in Alleghany County. (Chap. 98, p. 140, approved February 19, 1897.)

Section 1 authorizes the board of supervisors of public roads of Glade Creek Township, Alleghany County, to assign a sufficient number of road hands to keep in good repair two cartways as herein designated.

Section 2 declares that anyone passing over said routes or cartways who shall leave open the gates erected over the same shall be guilty of a misdemeanor: Penalty, fine from \$2 to \$5.

NOTE.—Former penalty, fine of \$10 for each offense.

Any officer or employee to whom duties are assigned in this act who shall fail to make complete returns within the time prescribed, or who shall otherwise fail to discharge the duties imposed upon him, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$200 or imprisonment not exceeding one year.

Provision is made for election in Rockingham County to consider petition for or against adoption of this law.

NOTE.—Above act is virtually an amendment of chapter 259, 1895, and covers substantially the same ground differently arranged.

New features are: First, penalty imposed for failure to appear and work on roads; second, penalty imposed upon officer or employee failing to discharge duties as required.

Rockingham County.—An act to provide for the working of the public roads of Rockingham County. (Chap. 120, p. 169, approved March 9, 1897.)

Section 1 defines the duty of the board of county commissioners of Rockingham County relative to levying a special tax for roads. The rate of taxation is fixed and provision made for collecting said tax.

Section 2 provides for the election of a superintendent of roads whose duties are herein defined.

Section 3 provides for the appointment of guards and township supervisors.

Section 4 declares that all able-bodied male persons of Rockingham County between the ages of 18 and 45 years, except residents of incorporate cities and towns, shall work on the public roads of said county for four days of ten hours each in each and every year, three days' notice calling for such work to be given.

Failure to appear and work as required after notification, or refusal to perform good and reasonable labor as required, is declared a misdemeanor: Penalty, fine from \$2 to \$5, or imprisonment from five to ten days.

Other sections deal with furnishing proper implements and tools for use in working the public roads of Rockingham County; with the keeping of lists of road hands; with work of convicts upon said roads; with the survey, location, grade, width, and drainage of said roads, and with the assessment for damages.

Guilford County.—An act to levy a special tax for the working of public roads in Guilford County. (Chap. 138, p. 187, approved February 24, 1897.)

Section 1 authorizes the levy of a special tax in Guilford County for the working of public roads.

Provision is made for the labor of convicts on such roads, and in the event of any person being adjudged to work upon the public roads under the provisions of this act, for failure to pay costs and fines, or either, such persons shall be credited with the sum of 25 cents for each day he shall work, and shall remain at work until such costs and fines, or either, shall have been fully discharged at that rate: *Provided*, That allowance for time lost by illness shall be made, and that no women shall be worked upon said roads.

Escaped convicts may be arrested without warrant; and provision is made for maintaining safe and comfortable quarters for said convicts, and for feeding them with reasonably wholesome diet in sufficient quantities, and clothing them in suitable manner.

NOTE.—New feature: Credit of 25 cents per day to convicts working upon roads.

Ashe and Watauga counties.—An act to amend chapter 134 of the Laws of 1885, as applied to the counties of Ashe and Watauga. (Chap. 173, p. 295, approved February 27, 1897.)

The sections of the amended chapter deal with the service of road hands upon the road districts and with the compensation allowed for such labor.

Provision is made for insolvent taxpayers to work upon roads in counties named.

Any person failing or refusing to comply with the provisions herein prescribed for the service of said insolvent taxpayers shall be guilty of a misdemeanor: Penalty, fine not exceeding \$10 or imprisonment not exceeding thirty days, or both.

Vance County.—An act to establish a system of working the public roads in Vance County. (Chap. 175, p. 297, approved March 1, 1897.)

Section 1 provides for levying a special tax for the purpose of raising a fund to be known as a public road fund for Vance County, the question for taxation being submitted to the voters of the different townships of said county.

Sections 3 to 9, inclusive, provide for the management and inspection of roads in said county, and declare that any district manager willfully neglecting his duty after having received proper information concerning the same may be removed by the board of commissioners.

Any officer named in this act who shall fraudulently make affidavit as to amount of service rendered by himself shall be guilty of a misdemeanor: Penalty, fine of \$20 or imprisonment for thirty days and removal from office.

Caswell County.—An act to create a public road in Caswell County. (Chap. 177, p. 300, approved March 1, 1897.)

Section 1 declares that a certain limit of road in the county of Caswell is hereby made a public road.

Sections 2 and 3 provide for the assessment of damages upon property along said road, and for the appointment of an overseer for said road, who shall proceed at once to open said road and keep the same in good condition, under the same pains and penalties as are prescribed for other road overseers in Caswell County.

Any person or persons failing or refusing to perform any duty enjoined on him or them by this act for the space of thirty days shall be guilty of a misdemeanor: Penalty, fine at the discretion of the court.

Nash County.—An act to provide for the working of the public roads in Nash County. (Chap. 222, p. 366, approved March 3, 1897.)

Section 1 declares that all persons confined in the county jail of Nash County, either for crime or nonpayment of costs or fines, or under the vagrant act, and sentenced to the State prison from Nash County for a term of two years or less shall be available for work upon the public roads; and upon the application of the county commissioners to the judge of the superior court, said judge may assign convicted person in his court to said commissioners for said purpose.

Union County.—An act to improve the roads in Union County by taxation. (Chap. 231, p. 377, approved March 5, 1897.)

Section 1 provides for levying a special tax for Monroe township, Union County, for the purpose of maintaining a "chain gang" or working convicts on the public roads in said township, and no other; said work to be done under control and direction of the road commissioner, who is authorized to enter upon lands for road purposes.

The overseer working and keeping in repair the roads constructed by the "chain gang" shall at all times be under the direction of the road commissioner provided in this act, and any overseer refusing to act as directed shall be guilty of a misdemeanor.

Provision is made for the employment of a physician to attend the convicts worked on the public roads.

Section 8 deals with special tax for other townships in Union County to be used for road purposes, the levying of which shall be submitted to the voters in such townships.

A board of supervisors of public roads is created for each township, whose duties are defined relative to the control of public roads.

Section 13. In any of the townships except Monroe township, in said Union County, all persons of road age, as now provided by law, shall work six days and no more in each year on the public roads, and the overseer of a district shall have all the power, duties, and authority as is given under the general law to overseers as to working the roads. Any person who refuses to obey the direction of the overseer shall be guilty of a misdemeanor: Penalty, fine of \$5.

NOTE.—Formerly imprisonment not exceeding five years was added to fine.

SEC. 16. Any supervisor or overseer giving false order or certificate is guilty of misdemeanor; also that any supervisor, overseer, or person refusing to do any road work imposed upon him by law is guilty of a misdemeanor: Penalty, fine not less than \$5.

If any township shall petition for the use of convicts to work upon the roads, a special tax shall be collected and convicts may be assigned if without injury or affecting the efficiency of the "chain gang" provided for the township of Monroe.

Section 21 declares that any judge holding court in the said county of Union shall sentence all persons convicted of any violation of law, and not punished by fine, for which such person may be sentenced to road work under the laws of the State, to work on the public roads of the said county of Union; and any judge of any criminal or judicial district, holding court in any county in the State not having a "chain gang" may, upon application made by the board of commissioners of said county of Union, sentence any person convicted as aforesaid to be worked on the public roads of the said county of Union.

NOTE.—A new feature is penalty imposed for refusal to do road work by supervisor, overseer, or other person.

Cherokee County.—An act to work the public roads of the county of Cherokee. (Chap. 233, p. 383, approved March 5, 1897.)

Sections of this act provide for the election of three road supervisors, who shall appoint overseers and allot hands to work on the public roads in the county of Cherokee. Said supervisors shall also inspect the roads and report upon their condition to the superior court.

Each overseer shall work all the hands allotted to him at least six days in each year and shall keep his road in good repair. He shall warn each hand at least two days before each working by personal or written notice. No hand shall be required to work more than three days in any one week, unless in case of damage to road by storm, washout, or some other good reason; and if any hand shall furnish an able-bodied substitute, or shall pay to the overseer of the road 75 cents for each day he is required to work, on or before said day, he shall be discharged from said work, not more than ten nor less than seven hours constituting a day's work.

All able-bodied males between the ages of 18 and 45 years, except the board of supervisors of the townships, shall be required to work on the public roads, persons being exempt on account of poverty and infirmity.

Any person failing to work upon the public roads, or to pay the said 75 cents as required, shall be guilty of a misdemeanor: Penalty, fine of \$2 for each day which he was warned to work and cost of action, or imprisonment not exceeding thirty days.

Failure of supervisors and overseers to discharge the duties herein required of them is declared a misdemeanor: Penalty, fine from \$5 to \$50 for each offense, or imprisonment not exceeding thirty days.

NOTE.—The act above is similar to the Mecklenburg road law of 1885.

Haywood County.—An act to provide for the working of public roads of Haywood County. (Chap. 249, p. 414, approved March 5, 1897.)

Section 1 provides for levying a special tax to be used in the construction, improvement, and maintenance of the public roads, culverts, and bridges of the county of Haywood.

Provision is made for the appointment of a superintendent of roads, whose duties are defined relative to appointing guards for convicts and township supervisors.

All able-bodied male persons in Haywood County, between the ages of 18 and 45 years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days of ten hours each in each year, being given three days' notice when and where such work is to be performed. Unless in case of washout or other unexpected obstruction to travel, said notice shall not be necessary. The payment of \$2.50 for each day shall exempt from road duty.

Failure to appear and work as required upon the roads, or to pay above sum, or to perform good and reasonable labor as required, is declared a misdemeanor: Penalty, fine from \$2 to \$5, or imprisonment from five to ten days.

Provision is made for furnishing lists of persons liable to road duty to the county road superintendent.

Courts in the county of Haywood may assign convicts to road work, and, upon application of the county commissioners of Haywood County, convicts from other counties may be assigned to work on public roads within the county of Haywood.

Provision is made for surveying and locating roads, and for the grade and width of roads; also for drainage. Any person obstructing drains and ditches shall be subject to fine not exceeding \$10, or imprisonment not exceeding twenty days for each offense.

The county superintendent of roads is authorized to relocate or change any public road, and provision is made for the assessment of damages therefor.

Failure of officers or employees to whom duties are assigned in this act to discharge such duties is declared a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding two years.

Surry County.—An act to review and improve public roads in Surry County. (Chap. 409, p. 560, approved March 9, 1897.)

Sections of this act provide for the appointment of road commissioners to make and designate such changes and alterations as they may deem expedient and proper to improve the grade of roads in Surry County.

Provision is made for working convicts of certain counties on said roads, and if any prisoner, after being delivered by the sheriff to the road commissioner shall escape, he shall be fined or imprisoned at the discretion of the court.

Provision is also made for the recovery of damages to property by land owners.

Section 8 declares that the board of county commissioners shall have power and it shall be their duty to call out the hands in the county to aid in constructing and making said roads according to the alterations of said commissioners, time of work not to exceed ten days in each year.

All hands subject to road duty under existing laws, and subject to work on said roads according to the provisions of this act, shall be liable to all penalties and laws now in force, or that may be in force for failing to work on public roads.

Craven and Carteret counties.—An act to provide for the location and construction of a road from a point at or near Riverdale, on the Atlantic and North Carolina Railroad, in Craven County, through the State lands, just west of the Great Lake, to some point at or near Stella, in Carteret County. (Chap. 425, p. 609, approved March 9, 1897.)

Sections of this act provide for the appointment of special commissioners for the purpose of locating and constructing a public highway within the district named in the act, who shall act in concert with the State board of education, and have full power and authority to supervise the location and construction of said road.

The duty of the State board of education is defined relative to surveying and locating said road, and whenever the above-named commissioners in the counties named shall notify the penitentiary authorities that they are ready to begin the construction of said road there shall be furnished 30 able-bodied convicts, the same to be employed in the construction of said road until the same shall have been completed, superintendent and board of directors of the penitentiary to provide for the transportation, guarding, and maintenance of said convicts while employed in the construction of said road.

Wilson County.—An act to provide for the working of the public roads of Wilson County. (Chap. 427, p. 611, approved March 9, 1897.)

Section 1 provides for levying a special tax for the working and constructing of public roads in said county of Wilson, determines the rate of taxation therefor, and how said tax shall be collected.

Provision is made for the election of a superintendent of roads, whose duties are defined, and for the appointment of township supervisors.

All able-bodied male persons of Wilson County between the ages of 18 and 45 years, except residents of incorporate cities and towns, shall work on the public roads of said county for four days of ten hours each in each and every year upon three days' notice by personal warning, provided that in case of washout or other unexpected obstruction to travel said notice shall not be necessary.

Failure to appear and work when warned, or to pay the sum of \$100 for substitute, or refusal to perform good and reasonable labor as required, is declared a misdemeanor: Penalty, fine from \$2 to \$5 or imprisonment from five days to ten days.

NOTE.—Formerly the imprisonment did not exceed five days.

SEC. 8. All prisoners confined in the county jail of Wilson County for crime, or imprisonment for nonpayment of costs or fines, or under the vagrant acts, and all persons sentenced to the State prison in said county for a term less than five years, shall be worked on the public roads of Wilson County, and upon application of road superintendent the courts may assign convicts to road work. Courts of other counties may sentence convicts to work on roads of Wilson County, cost to be paid by Wilson County.

Provision is made for roads to be surveyed and located by trained engineers, the grade and construction of which is regulated. Superintendents and supervisors are authorized to enter upon lands and take materials as may be deemed necessary for the betterment of the road.

Owner or occupant of lands are prohibited from obstructing drains and ditches

thereon, under penalty of fine not exceeding \$10 or imprisonment not exceeding twenty days for each offense.

NOTE.—Formerly the penalty was fine of \$10 only.

The county superintendent of roads is given discretionary power to relocate or change any part of any public road, and the assessment of damages for right of way is regulated.

Failure by any officer or employer to whom duties are assigned in this act to make complete returns within the time prescribed, or to discharge the duties imposed upon him by this act, is declared a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding two years.

NOTE.—Above act embraces former legislation.

Moore County.—An act to provide an alternative method to work, improve, and repair the public roads in Sanford Township, Moore County. (Chap. 436, p. 622, approved March 9, 1897.)

Sections of this act provide for the appointment of road commissioners, who shall elect a superintendent of roads for Sanford Township, said superintendent to present plans for permanent improvement of roads in said township.

All able-bodied male persons in said township between the ages of 18 and 45 years shall be liable to perform annually four days' labor on said roads or pay the sum of \$2 per annum in lieu thereof.

Refusal by any person assigned to work on the public roads to attend himself or by able-bodied substitute, with tools as required, or to obey the directions of the superintendent of roads, shall forfeit and pay the sum of \$2, and upon failure to pay such sum, with costs, within ten days, he shall be declared guilty of a misdemeanor: Penalty, fine of \$10 or imprisonment for twenty days.

SEC. 9. All persons confined in county jail for crime or imprisonment for nonpayment of costs or fines, or under the vagrant acts, and all persons sentenced to the State prison for a term of five years or less, shall be available for the purpose of working the public roads in said township of Sanford. The board of directors of the penitentiary shall furnish not less than 20 nor more than 40 convicts for such work, to be under control and discipline of the said penitentiary authorities. But it shall be the duty of road commissioners to have suitable quarters for said convicts for their safe-keeping and protection, and to provide for expenses of their transportation and care and keep while working on said roads.

A special tax for roads, equal in value to county convict's labor at 50 cents per day, shall be levied, and the rate of such property and poll tax is herein regulated.

The powers of road commissioners are defined relative to the right of relocating old roads, or opening and locating new roads, and the right to condemn land for roads, and the assessment of damages.

The superintendent of roads is authorized to enter upon lands and take materials for the purpose of repairing and improving the public roads of said township, and, upon going out of office, said superintendent shall deliver to his successor every kind of property and all money which he may have in hand by virtue of his office. Failure so to do upon demand shall subject him to forfeiture and payment of double the amount of money in his hands, or double the value of property in his possession.

Greene, Wilson, and Wayne counties (chap. 500, p. 676, approved March 9, 1897).—Sections of this act provide for levying a special tax upon property and poll, to be applied to the laying out, establishing, constructing, and repairing public roads and bridges in counties named, the collection of said tax being regulated.

Boards of commissioners shall have power to hire out or employ convicts, provided that they shall not be detained beyond the time fixed by the court of said counties; and provided that the amount realized for hiring out or employing prisoners shall be credited to them, and that no prisoner or convict shall be hired out or employed who is physically or mentally incapacitated. No female shall be worked on the roads under this act.

The board of commissioners may adopt rules and regulations for enforcing discipline, controlling and working the convicts hired out or employed, as their judgment may indicate, and may use the necessary means to hold and keep them in custody and prevent their escape.

The escape of a convict is declared a misdemeanor, and subjects him to imprisonment at hard labor for the counties named not exceeding thirty days, or to fine not exceeding \$50. Furthermore, any prisoner who shall have been sentenced to work on public roads as herein provided, and who shall escape, may be pursued and captured in any county of the State.

Any person who shall obstruct any public road in said counties by plowing the edges of said road, or otherwise, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Hertford County (chap. 514, p. 694, approved March 9, 1897).

Sections of this act authorize the county commissioners to levy a special tax to be expended on the construction, improvement, and maintenance of the public roads and bridges of the county of Hertford and the purchase of such implements, teams and wagons, camp outfit, providing quarters for the use and safe-keeping of the convict force, as may be found necessary for the proper carrying on of the work.

Provision is made for the election of a superintendent of roads, who shall appoint township supervisors.

Section 8 declares that all able-bodied male persons of Hertford County between the ages of 21 and 45 years shall work on the public roads of said county for four days of ten hours each in each year upon three days' notice.

Every person who may be liable to work upon the public roads of said county may, in lieu of such labor, pay the sum of 25 cents for each day that he may be required to work. Failure to appear and work as required or to pay the sum mentioned, or failure or refusal to perform good and reasonable labor as required, is declared a misdemeanor: Penalty, fine from \$2 to \$5 or imprisonment from five to thirty days for each offense.

All prisoners confined in county jail for crime or for nonpayment of costs or fines, or under the vagrant acts, and all persons sentenced to the State prison for a term less than ten years shall be worked on the public roads of said county, and courts may assign convicts to such road work.

Provision is made for convicts of adjoining counties to be assigned to road work in Hertford County; provided, that in cases of physical disability and where prisoners sentenced in Hertford and other counties are of such dangerous character as to make their working on the public roads inexpedient, said prisoners may be sentenced to the penitentiary or county jail. In no case shall a prisoner be compelled to wear stripes or convict clothing, unless said prisoner was convicted of a felony, when he shall be compelled to wear striped or convict clothing.

Provision is made for the infliction of corporal punishment upon convicts who may become unruly, but any overseer who shall whip a convict in a cruel and unmerciful manner shall be guilty of a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

Power is granted to the superintendent and supervisors to enter upon land and take material for the purpose of making such drains or ditches through the same as may be deemed necessary for the benefit of the roads. Owners or occupants of said lands shall not obstruct the work, under penalty of forfeiting a sum not exceeding \$10 for each offense or imprisonment not exceeding twenty days.

The county superintendent of roads is given discretionary power to relocate or change any part of any public road, and to provide for the assessment of damages.

Alamance County.—An act supplemental to chapter 217, laws of 1889, to provide for the working of the public roads of Alamance County. (Chap. 533, p. 720, approved March 9, 1897.)

Sections of this act provide for the election of a superintendent of roads and define the duties of said superintendent relative to the maintenance and building of all public roads, culverts, and bridges in Alamance County.

Said superintendent shall appoint guards to take charge of the convict force laboring on said roads, and also township supervisors of the roads, whose duties are herein defined.

All able-bodied male persons of said county between the ages of 18 and 45 years, except residents of incorporate cities or towns, shall be subject to road duty, three day's notice being given of the time and place when and where such work is to be performed; said notice not to be required in case of washout or other unexpected obstruction to travel. In lieu of road work the sum of 25 cents for each day (four days being the required time of work upon said roads) shall be paid to the county treasurer.

Failure to appear and work upon the roads or to pay the sum mentioned is declared a misdemeanor: Penalty, fine from \$2 to \$5 or imprisonment from five to ten days.

The road supervisors are required to furnish a list of persons liable to road duty, which list shall be checked by the superintendent of roads, and a list of delinquents shall be furnished to a magistrate in the township, who shall enter proceedings for prosecution.

All prisoners confined in the county jail or in the State prison for a term less than ten years shall be worked on the public roads of Alamance County, the court assigning convicts to such road work.

Said roads shall be surveyed and located by an engineer trained and experienced in such work, and the grade and width of roads and the drainage of the same is herein regulated.

The power of superintendent and supervisors in entering on lands and taking material is defined, and said superintendent and supervisors shall not be obstructed by the owner or occupant or any other person under penalty of forfeiting a sum not exceeding \$10 or imprisonment not exceeding twenty days for each offense.

The county superintendent of roads is given discretionary power to relocate or change any part of any public road, and provision is made for assessment for damages.

Any officer or employee to whom duties are assigned in this act who shall fail to discharge the duties imposed upon him shall be declared guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding four months.

Macon County (chap. 12, p. 51).—Provides for working the public roads and highways of Macon County.

SEC. 3. Supervisors refusing to serve shall forfeit the sum of \$10.

SEC. 4. Persons obstructing ditches shall forfeit sum not exceeding \$10.

SEC. 6. Persons failing to work as required by law shall forfeit \$1 for every offense; shall also be guilty of a misdemeanor and be fined from \$2 to \$5 and costs, or imprisoned from two to five days.

SEC. 15. Injury to guide board a misdemeanor: Penalty, \$10 and costs. May be deemed guilty of misdemeanor and imprisonment not more than ten days.

SEC. 20. Supervisors giving false certificates for labor performed or failing to account to township trustees for any money which may have come into his hands, or permitting road hands to be idle, or permitting the use of worthless or inefficient tools, shall be guilty of a misdemeanor: Penalty, \$5 to \$50, and may be removed from office.

Section 28 provides for an additional special tax and directs its application. If the board of county commissioners shall fail to comply with the provisions of this section they shall be guilty of a misdemeanor.

Warren County (chap. 93, p. 136, approved February 19, 1897).—Amends chapter 449 of the acts of 1895. Relates to the public roads of Warren County.

Section 3 makes it a misdemeanor to empty drains or pond water on public roads or plow or cultivate within road limits. Persons having ditches across the public roads and failing to repair bridges over the same for five days after notice in writing from the supervisor shall be guilty of a misdemeanor.

BRIDGES.

Bridges of Macon County (chap. 38, p. 88, approved February 9, 1897).—Makes it a misdemeanor to ride or drive faster than a walk over any iron bridge in the county of Macon. Punishable by a fine or imprisonment, or both, in the discretion of the court.

Rafting logs, Lumber River.—An act to prevent the careless rafting of logs down Lumber River. (Chap. 473, p. 655, approved March 9, 1897.)

Section 1 declares that any person placing logs or timber in the waters of Lumber River for the purpose of rafting or running said logs down said river shall be liable for all damages to bridges which may occur in transit.

Section 3 declares that, should the owner of the logs or timber causing the damages fail to pay the same, the logs or timber shall be seized and sold, and out of proceeds shall first be paid the damages, together with costs of seizure, keeping, and sale of logs or timbers, and the residue, if any, paid to the owner.

Craven County.—An act to authorize the commissioners of Craven County to construct bridges across Neuse and Trent rivers. (Chap. 193, p. 328, approved March 1, 1897.)

Sections of this act authorize the board of county commissioners to locate and construct bridges for the use of the public across the Neuse and Trent rivers in Craven County, said bridges to be provided with draws; also to issue bonds for the purpose of constructing said bridges.

Section 5 declares that before the said commissioners shall be empowered to carry out the provision of this act they shall submit to the qualified voters of the county the question whether the said bridges shall be constructed or not, and for this purpose they shall order an election to be held in said county of Craven, the method of holding such election being herein regulated.

Failure or neglect by registrars and judges to perform the duties herein required of them is declared a misdemeanor: Penalty, fine of \$50.

NOTE.—The code of 1883, section 2707, imposes upon registrars and judges failing to perform their duties a fine from \$500 to \$1,000 or imprisonment from two to six months. Chapter 159, section 65, of 1895 makes penalty for same offense fine of \$500.

OBSTRUCTING STREAMS AND NAVIGATION.

Yadkin River.—An act to prohibit timber or other obstruction from being left hanging in the Yadkin River. (Chap. 58, p. 110, approved February 15, 1897.)

Section 1 declares that it shall be unlawful to fell and leave hanging any timber or other obstruction on either bank of the Yadkin River from Rockford, N. C., to Speas Ferry.

Violation, a misdemeanor: Penalty, fine from \$10 to \$25.

Currituck County.—An act to prevent the obstruction of navigable waters in Currituck County. (Chap. 277, p. 458, approved March 8, 1897.)

Section 1 prohibits any person or persons from impairing or obstructing navigation in the waters of Currituck Sound and its tributaries, and declares that all obstructions shall be removed.

Violation, a misdemeanor: Penalty, fine from \$10 to \$50 or imprisonment not exceeding thirty days.

NOTE.—Former penalty, fine from \$5 to \$10.

Montgomery County.—An act to prevent the obstruction of certain streams in Montgomery County. (Chap. 285, p. 464, approved March 8, 1897.)

Section 1 prohibits placing sawdust or felling trees or leaving or placing brush, except for the purpose of building mill or fish dams, or the erection of fences, cross-ways, or bridges in Little River or any of its tributaries in said county of Montgomery.

Violation, a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Hycó River.—An act to require all landowners living on Hycó River to get rafts out of said river. (Chap. 292, p. 469, approved March 8, 1897.)

Sections of this act require landowners to clean rafts from Hycó River, and declare that any landowner who fails to comply with the provisions of this act shall pay cost of removing rafts or other obstructions from said stream and be subject to fine of \$25.

Haw River, Rockingham County.—An act to clear the channel of Haw River in Rockingham County. (Chap. 374, p. 551, approved March 6, 1897.)

Sections of this act provide for the appointment of commissioners to lay off Haw River in sections for the purpose of clearing the channel of said river and to appoint overseers who shall furnish hands and tools for such work as is herein prescribed.

It shall be the duty of each overseer with the hands so provided to work not less than three days nor more than six days for each and every year on the channel of said river, for the purpose of straightening the same when necessary, removing obstructions, and improving the banks thereof.

Felling any timber or obstructing the waters in the channel, or permitting obstructions to remain therein for a period of ten days is declared a misdemeanor: Penalty, fine from \$10 to \$20 or imprisonment not exceeding thirty days.

Failure or neglect on the part of any overseer to perform the duties required of him by this act is declared a misdemeanor: Penalty, fine not exceeding \$20 or imprisonment not exceeding thirty days.

Obstructing stream, Jones County.—An act to prevent the damming of the waters in Beaver Creek, Jones County. (Chap. 372, p. 551, approved March 6, 1897.)

Section 1 prohibits cutting or felling any trees, or in any way obstructing the free flow of water in Beaver Creek, Jones County.

Violation, a misdemeanor: Penalty, fine not exceeding \$5 or imprisonment not exceeding fifteen days.

Dams, Swain County.—An act to protect the people of Swain County from floating logs down the streams of said county. (Chap. 380, p. 562, approved March 9, 1897.)

Section 1 prohibits building booms or dams in Swain County for the purpose of floating logs down the streams of said county without bond from builder that he will pay to each and every owner of land along said stream all such damage as may be sustained by reason of such boom or dams being built.

Violation of above provisions is declared a misdemeanor.

Benaja Creek in Rockingham County (chap. 502, p. 679, approved March 9, 1897).—Sections of this act provide for the appointment of commissioners to lay off said creek in sections for the purpose of clearing the channel, and to appoint overseers who shall furnish hands and tools as herein designated. Upon failure to fur-

nish the same overseers shall forfeit and pay \$100 per day for each failure. Said overseer shall work with hands provided from three to six days in each year on the channel of said creek, with power to straighten the same, remove obstructions, and improve the banks thereof.

Felling any timbers into or otherwise obstructing the waters in the channel and permitting obstructions to remain therein for the space of ten days is declared a misdemeanor: Penalty, fine from \$10 to \$20 or imprisonment at the discretion of the court.

Failure or neglect by overseer to perform the duties required of him is declared a misdemeanor: Penalty, fine not exceeding \$20 or imprisonment not exceeding thirty days.

NOTE.—New feature: Concerning penalty imposed upon neglecting overseer.

STOCK LAWS.

Tyrrell County.—An act for the protection of cattle owners in Tyrrell County. (Chap. 79, p. 127, approved February 18, 1897.)

Section 1 declares that the owners of cattle in the ranges of the county of Tyrrell are hereby privileged to kill, take, or capture any of their cattle which they can identify, or any unmarked cattle running at large in the said ranges of said county.

Section 2 declares that any person, other than the owner, who shall willfully kill, take, or capture any of said cattle running at large in said ranges shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Bladen County.—An act to establish a stock law in a part of White Oak township, Bladen County. (Chap. 141, p. 192, approved February 25, 1897.)

Section 1 provides for building a fence around the boundaries of stock district in said county of Bladen for the protection of crops, and owners of stock are prohibited from allowing stock to run at large within said district. Violation, a misdemeanor: Penalty, fine not exceeding \$15, or imprisonment not exceeding ten days, and liability for all damages.

Sections 3 to 7 deal with the impounding of stock found running at large within said district.

Section 7 provides for recovery of damages sustained, and if any person shall with gun, dogs, or otherwise unreasonably chase, worry, maim, or kill any such stock when trespassing upon his lands or crops he shall be guilty of a misdemeanor: Penalty, fine not exceeding \$20, or imprisonment not exceeding ten days.

Any impounder or overseer misappropriating money that he may receive under this act, or in any manner violating any of its provisions, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$20, or imprisonment not exceeding ten days.

Other sections deal with the construction of said fence and its maintenance in good repair, and with the apportionment of cost of same.

Willful neglect of duty by overseer of fence is declared a misdemeanor: Penalty, fine not exceeding \$20 or imprisonment not exceeding ten days.

Any person who shall willfully open, impair, pull down, or destroy any fence or gate provided for in this act shall be guilty of a misdemeanor: Penalty, fine not exceeding \$20 or imprisonment not exceeding ten days.

NOTE.—New features are: First, penalty imposed for worrying stock; second, concerning recovery of damages.

Former legislation (see Code of 1883) states character of offenses but omits penalty.

Stock-law fences, Robeson County.—An act to repair certain stock-law fence in Robeson County. (Chap. 234, p. 385, approved March 3, 1897.)

Sections of this act provide for the repair of fences in stock-law territory in Robeson County and for levying such tax as may be necessary to such repair.

Upon sworn complaint the county commissioners may have fences inspected, and any person appointed to inspect said fence who shall willfully and negligently fail to make report as required by this act, or who shall make false report of the condition of said fence or fences, shall be guilty of a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

Failure or neglect of the county commissioners to have said fences repaired when it shall be made known to them by the report of the inspector of fences that said fences are in need of repair, is declared a misdemeanor: Penalty, fine or imprisonment at the discretion of the court.

Impounding stock, Craven County.—An act to amend chapter 70 and chapter 169 of the laws of 1883, with reference to advertisement of sales of live stock

impounded in Craven County under the provisions of said acts. (Chap. 289, p. 465, approved March 8, 1897.)

As amended, it is declared that live stock owned in nonstock law territory in Craven County straying into stock-law territory shall be advertised by person impounding such live stock after filing description with county registrar, and provision is made for posting said advertisement.

Impounder failing to register and advertise stock as herein prescribed is declared guilty of a misdemeanor: Penalty, fine or imprisonment, at the discretion of the court.

Chatham County.—An act to protect the land owners in Chatham County. (Chap. 309, p. 479, approved March 8, 1897.)

Section 1 prohibits residents of stock-law territory in Alamance County from permitting any live stock to graze or range on lands in Chatham County not included in any stock-law territory.

Violation, a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Impounding of live stock in certain counties.—An act to regulate the impounding of live stock in the counties of Buncombe, Madison, Wilkes, Tyrrell, Surry, Haywood, Vance, Davie, Cumberland, and Halifax. (Chap. 360, p. 542, approved March 6, 1897.)

Section 1 declares that any person may take up any live stock running at large within any township or district wherein the stock law shall be in force and impound the same, the rights of impounder as to charges being herein defined.

Provision is made for the impounder to notify owner of stock, and any person who shall turn out of the pasture or other inclosure of another, or drive stock from a township or district wherein the stock law is in force any stock for the purpose of impounding or allowing the same to be impounded, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Willful neglect by impounder to notify the owner is declared a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

NOTE.—New feature; penalty imposed for neglect to notify owner.

Impounding stock, Tyrrell County.—An act to regulate the keeping of stock in Tyrrell County. (Chap. 367, p. 549, approved March 6, 1897.)

Section 1 declares that no person in the county of Tyrrell, living in a stock-law district or town that is not fenced off, shall charge for taking up, impounding, or feeding any horse, mule, cattle, hog, sheep, goat, or goose.

Section 2 declares that any person taking up any of said stock and impounding it, and not feeding and watering said stock, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$10 or imprisonment not exceeding ten days.

Cross Creek, Cumberland County.—An act to prohibit live stock from running at large in Cross Creek township, Cumberland County. (Chap. 420, p. 603, approved March 9, 1897.)

Sections of this act declare that it shall be unlawful for live stock to run at large in Cross Creek township and contiguous territory, and provide for a fence to be erected around the said township with gates on all the public roads.

The county commissioners shall have exclusive control of erecting and repairing fences and gates herein provided for, and the appointment of such keepers and repairers of the same as they may deem proper, with full powers for that purpose for which the levy and collection of a special tax is provided.

Any person willfully permitting live stock to run at large within the said township shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Any person willfully tearing down, or in any manner breaking a fence or any gate, or leaving open a gate, or willfully breaking any inclosure where stock is confined so that the same may escape therefrom, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Hertford township, Perquimans County (chap. 555, p. 738, approved March 9, 1897).—Prohibits stock from running at large upon certain lands in Hertford township, Perquimans County. Violation, misdemeanor. And any person cultivating crops which shall have been injured by live stock running at large may take up said stock and impound the same with a right to use it under proper care until all damages shall have been paid.

NORTH DAKOTA.

1897.

Felony and misdemeanor defined.—A felony is a crime which is or may be punishable with death or imprisonment in the penitentiary. Every other crime is a misdemeanor. (Revised Code, 7743; also 6804.)

When the performance of an act is prohibited by any statute and no penalty for the violation of such statute is imposed in any statute, the doing of such act is a misdemeanor. (7029.)

Except in cases where a different punishment is prescribed by this code or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding one year or by a fine not exceeding \$500, or by both such fine and imprisonment. (6812.)

Intoxicating liquors defined (chap. 96, p. 156, approved March 9, 1897).—Amends section 7598 of the Revised Code of North Dakota, 1895, so as to read as follows:

All spirituous, malt, vinous fermented, or other intoxicating liquors or mixtures thereof, by whatever name called, that will produce intoxication, or any liquors or liquids which are made, sold, or offered for sale as a beverage and which shall contain *coccus indicus*, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, darnal seed, extract of logwood, salts of zinc, copper or lead, alum or any of its compounds, methyl alcohol or its derivations, amyl alcohol, or any extract or compound of any of the above ingredients, shall be considered and held to be intoxicating liquors within the meaning of this chapter.

Municipal penalties (chap. 102, p. 160, approved March 9, 1897).—Relates to government of cities and revises previous laws.

Under section 2148 the general powers of the city council are defined.

PAR. 76. They have power to pass all necessary rules and ordinances, but no fine or penalty shall exceed \$100, and no imprisonment shall exceed three months for one offense.

Adulteration of candy (chap. 3, p. 3, approved March 12, 1897).—Section 1 prohibits the manufacture or sale of candy that is adulterated by the admixture of any mineral substance, poisonous colors, or flavors, or other ingredients injurious to health.

Violation subjects to penalty of fine from \$50 to \$100 and forfeiture and destruction of all candy so adulterated.

Unlawful loans.—An act to amend section 7518 of the Revised Codes of North Dakota, relating to the making of unlawful loans by corporations having banking powers. (Chap. 32, p. 37, approved March 9, 1897.)

The amended section declares that every director of any corporation having banking powers who concurs in any vote or act of the directors of such corporation, or any of them, by which it is intended to make any loan or discount to any director of such corporation, or upon paper upon which any such director is responsible, for an amount greater than is allowed by law, is guilty of a misdemeanor.

NOTE.—Above act omits feature of former legislation forbidding loan of three times the capital stock paid in.

Bounty on stock-destroying animals.—An act providing a bounty on certain stock-destroying animals and a fund for the payment thereof. (Chap. 37, p. 41, approved March 3, 1897.)

Sections of this act provide for the payment of a bounty for each gray or buffalo wolf or prairie wolf killed in the State of North Dakota, and in order to obtain said bounty the skin of animal killed shall be exhibited, showing tail and skin from the forehead and embracing both ears. Statement shall also be required of two resident taxpayers of the county certifying that they are acquainted with the person presenting the skin or skins, and that to the best of their knowledge and belief the animal or animals from which said skin or skins were taken were killed within the limits of said county.

In order to prevent fraud provision is made for examining skins, and if skins are found in required condition they shall be marked by county auditor and redelivered to person presenting the same, with certificate necessary to obtain the bounty herein authorized.

Provision is made for creating a fund by levy of a special tax upon assessed valua-

tion of property for the purpose of paying said bounties. Any county commissioner who shall refuse or interfere to prevent the levy of the aforesaid tax shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding three months, or both fine and imprisonment.

Falsely making, altering, forging, or counterfeiting any of said certificates or orders is declared a forgery, and any person who shall swear falsely to affidavit for the purpose of obtaining certificates or orders shall be deemed guilty of perjury; such forgery or perjury as herein declared shall be punished by imprisonment in the penitentiary from one to five years.

Any person who shall patch up any skin or scalp, or who shall present any punched skin or scalp with intent to defraud the State, or any officer who shall sign any certificate herein provided for without first counting the skins, or shall intentionally evade any of the provisions of this act, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding three months, or both fine and imprisonment.

NOTE.—Substantially new, especially with reference to penalties provided for forging bounty, and patching skins with intent to deceive.

Commission merchants.—An act to license commission merchants and other factors. (Chap. 54, p. 61, approved March 15, 1897.)

Sections of this act declare it unlawful for any commission merchant or other factors to receive any wheat, flax, or other grain in the State of North Dakota to be sold for other persons, or to have any agent or correspondent in the State receiving or soliciting any consignment or deposit of grain to be sold or forwarded for sale here or elsewhere, without license.

Provision is made for obtaining said license, and the applicant for such permit is required to give bond as herein directed.

Provision is also made for issuing certificate to applicant by the Secretary of the State authorizing him to procure and receive consignments of grain, and the fee to be collected is herein regulated.

Every person who shall solicit or procure within the State North Dakota, any consignment or deposit of wheat, flax, or other grain to be sold or consigned for sale or otherwise disposed of for the benefit of the consignor or depositor without license and authority so to do is declared guilty of a misdemeanor, and upon conviction shall be punished accordingly.

Drovers and herders.—An act prescribing the obligations of drovers and herders of domestic animals and the remedies for their violations. (Chap. 69, p. 92, approved March 10, 1897.)

Section 1 defines the term "drover" for the purpose of this act.

Section 2 prohibits drovers or herders from enticing animals away without owner's consent, and requires the delivery of animals joining or remaining with a herd other than their own without delay to the owner thereof.

Section 3 provides for a uniform brand for all animals belonging to one herd, each owner having a distinct brand of his own.

Violation of provisions or failure to observe and fulfill the requirements herein set forth subjects to penalty of fine from \$50 to \$200 and liability to person injured to the extent of his damages.

NOTE.—New features: Requirement of uniform brand. Former penalty for nondelivery to owner of stray animals, fine not exceeding \$100.

Unlawful branding of animals.—An act to amend section 7506 of the Revised Codes of North Dakota, relating to the unlawful marking, branding, killing, selling, and larceny of domestic animals. (Chap. 70, p. 93, approved March 9, 1897.)

As amended the section declares that every person who unlawfully marks, brands, kills, or sells any cattle, sheep, or swine the property of another is guilty of a felony, and is punishable by imprisonment in the penitentiary from one year to five years, or by fine from \$500 to \$1,000.

Every person who commits grand larceny of any cattle, sheep, or swine, as herein mentioned, shall be punished by imprisonment in the penitentiary from one to ten years, or by fine from \$500 to \$1,000, or by both fine and imprisonment.

NOTE.—New feature: Concerning grand larceny of cattle and penalty imposed therefor.

Education.—An act to amend various sections of the Revised Codes of 1895 relating to education. (Chap. 75, p. 99, approved March 12, 1897.)

As amended the sections named in act provide for furnishing school supplies as required for use in the schools of North Dakota, for holding teachers' institutes, and for printing the report of the superintendent of public instruction.

The duties of the county superintendent relative to schools are dealt with, and his

salary fixed, also the boundaries of school districts, the establishment of polling places, and the election of school officers.

Provision is made for obtaining sites and erecting schoolhouses thereon, and the school terms are regulated.

Provision is furthermore made for taking the school census and for making an annual school report.

The disposition of the school fund is determined and the keeping of accounts regulated.

The examination of teachers, the establishment of teachers' grades, the issue of teachers' certificates, and the duties of teachers are dealt with.

Inexcusable neglect or failure of teacher to attend teachers' institute or training school may subject to loss of said teacher's certificate.

Failure to secure prosecution for offense of neglect of duty by school officers complained of to school board is declared a misdemeanor: Penalty, fine from \$5 to \$20.

Other sections deal with the issue of school district bonds; with the attachment of territory for school purposes; with the organization of school districts; with the election of the board of education, defining powers and duties of said board, and with the election of members of said board of education.

The school board of any city, town, or district is authorized and required to purchase, at the expense of the city, town, or district, one or more flags of the United States, which shall be displayed in seasonable weather upon the schoolhouses or flagstuffs upon the school grounds during the school hours of each day's session of school. Failure to comply with these provisions on the part of any board of education or district school board shall be sufficient grounds for removal of members of such board from office.

Game law.—An act to amend sections 1642, 1643, 1644, 1645, 1647, 7677, 7678, and 7679 of the Revised Codes of North Dakota, relating to the protection of game and fish and the issuing of permits to hunt, and prescribing penalties for violations of the provisions thereof, and enacting other provisions relating thereto, and providing penalties for violations thereof. (Chap. 83, p. 127, approved February 26, 1897.)

Section 1642 as amended provides for the appointment of a game warden for the State of North Dakota, defines his duties, and states the amount for which he shall give bond.

Section 1643 as amended prohibits hunting or killing the wild animals or birds mentioned in section 7677 of the Revised Codes of North Dakota without having obtained a permit as hereinafter provided for. Violation, a misdemeanor: Penalty, fine from \$20 to \$50 or imprisonment not exceeding thirty days, or both fine and imprisonment.

Sections 1644 and 1645 as amended deal with the form of said permit and the manner of procuring the same.

Section 1647 as amended deals with the duties of the game warden and his deputies relative to prosecution for violation of game laws.

Sections 7677 and 7678 prohibit shooting, killing, or having in possession certain wild birds and animals herein named during the close season for said birds and animals, which is herein defined; also the use of any other gun than such as is shot from the shoulder; also the use of snares, traps, nets, or poisoned substances; also the wanton destruction of the nests or eggs of birds mentioned; also the use of bound or dog in running or driving wild animals; also hunting upon lands of another without consent of owner; also shooting or killing in any one day more than 25 of the game birds named or in any one season more than 5 of the game animals named.

Violation of provisions a misdemeanor: Penalty, fine of \$10 for each of the birds mentioned shot or killed or nest of eggs destroyed, and fine of \$100 for each animal mentioned shot, killed, or taken contrary to the law; a fine of \$100 is imposed for violation of provisions concerning use of bound or dog, trap or snare, or lands of another for shooting or hunting wild game animals.

Section 7679 as amended restricts the catching of fish, prohibiting catching or killing the same in any other manner than by angling with hook and line, or during the close season, or exposing fish for sale during period of close season. Violation, a misdemeanor: Penalty, fine from \$5 to \$25 for first offense, and for every subsequent offense fine from \$10 to \$100, or imprisonment not exceeding thirty days.

The game warden, his deputies, and peace officers are authorized to seize game illegally taken, and provides for selling the same. Whoever shall resist or obstruct any of the said officers in the discharge of their duties shall be guilty of a misdemeanor: Penalty, fine from \$20 to \$50 and costs or imprisonment from ten to thirty days, or both fine and imprisonment.

Indians are made subject to the game laws of the State of North Dakota, and it is declared unlawful for them to hunt on any lands except such as are known to be

Indian reservation lands. Any Indian violating the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine from \$20 to \$50 or imprisonment from ten to thirty days, or both fine and imprisonment.

NOTE.—New features: First. Appointment of special deputy game wardens.

Second. Concerning penalty for hunting without permit.

Third. Concerning illegality of State game warden to issue special permit, which subjects him to fine from \$50 to \$200, with costs.

Fourth. Concerning arrest of persons violating game law.

Fifth. Including plover in list of game birds.

Sixth. Concerning duties of game warden, deputies, and peace officers to seize game, and paragraphs following, relative to sale of game seized, resisting officer, construction of game laws, propagation of game and fish, subjection of Indians to game laws, etc.

Fish.—An act to protect planted fish in the waters of the State of North Dakota and to provide penalties for their destruction or injury. (Chap. 84, p. 133, approved March 9, 1897.)

Section 1 declares that all planted fish or fish eggs placed in the public waters of the State of North Dakota for the purpose of propagation, breeding, or growth shall be, and are hereby, protected for a period of five years from the time of such planting.

Removal of planted fish or eggs from public waters before the end of time specified, or destruction or injury of the same, is declared a misdemeanor: Penalty, fine from \$20 to \$50 for every fish or egg removed or destroyed or imprisonment from thirty to ninety days, or both fine and imprisonment.

Horse thieves.—An act to provide for the arrest and conviction of horse thieves. (Chap. 88, p. 139, approved February 20, 1897.)

Section 1 provides for the payment of \$100 to any person for the arrest and conviction of each and every person that steals any horses, cattle, or mules in the State of North Dakota.

Section 2 determines how such bounty shall be obtained.

Noxious weeds.—An act to amend section 1683 of the Revised Codes of North Dakota, relating to noxious weeds, manner of destroying them. (Chap. 103, p. 172, approved March 9, 1897.)

The amended section declares that certain noxious weeds herein named shall be destroyed by person owning or occupying land upon which said noxious weeds grow and bear seed, and prohibits depositing in the highway or in or along the banks of any natural water course any of said noxious weeds.

Violation of provisions is declared a misdemeanor: Penalty, fine from \$10 to \$50.

The time and manner of destroying said weeds shall be prescribed by board of county commissioners.

NOTE.—New feature: Concerning deposit of noxious weeds in highway and penalty imposed for violation.

Osteopathy.—An act relating to the practice of osteopathy in the State of North Dakota. (Chap. 105, p. 173, approved February 16, 1897.)

Section 1 authorizes the treatment of diseases by the practice of osteopathy, provided that diploma has been filed and recorded.

Any person who shall practice osteopathy without having complied with the provisions of this act concerning diploma shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$100 for each offense; provided, that nothing in this act shall be construed as prohibiting any legally authorized practitioner of medicine or surgery in the State of North Dakota from curing or relieving disease with or without drugs, or by any manipulation by which any disease may be cured or alleviated.

Railroads.—An act to regulate the transportation of passengers and property by common carriers, etc. (Chap. 115, p. 221, approved March 8, 1897.)

Sections of this act deal with the duties of the commissioners of railroads relative to the supervision of railroads, railroad and bridge corporations, and ferry companies, and with the duties of railroad companies relative to furnishing suitable cars for transportation of freight and passengers, and instituting reasonable charges for the same.

Unjust discrimination by any railroad corporation or common carrier with regard to rates of transportation is prohibited; also making or giving preference or advantage to any particular person, company, firm, corporation, or locality or any particular description of traffic respecting transportation. Facilities for interchange of traffic between railroad corporations and common carriers are allowed.

Long and short hauls are prohibited; also freight pooling.

Provision is made for the printing of schedules showing rates and fares for the transportation of passengers and property, which shall be open to public inspection, and for continuous carriage of shipments within the State; also for recovery of damages by persons injured on account of violations by railroad companies.

Railroad corporations committing any act herein prohibited, or failing to do any act required or that shall be guilty of any infraction of this act, are declared guilty of a misdemeanor: Penalty, fine from \$500 to \$5,000.

SEC. 38. Any railroad, railroad corporation, or common carrier guilty of extortion or making any unjust discrimination as to passenger or freight or other rates for the use and transportation of railroad cars or in receiving, handling, or delivering freights or property shall be subject to penalty of fine from \$1,000 to \$5,000 for first offense, and for every subsequent offense to fine from \$5,000 to \$10,000, forfeited to the State of North Dakota.

The proceedings against railroad corporations upon complaint of persons injured are determined relative to investigation, findings, hearing evidence, and decision.

Free transportation and reduced rates are allowed in certain cases set forth in section 41 of this act.

NOTE.—Former penalty against individuals (see section 23 of above act) was fine from \$2,500 to \$5,000 for first offense and from \$5,000 to \$10,000 for each subsequent offense.

Above act embraces, to a large degree, former legislation upon the subject of railroads.

Trusts and combinations.—An act to declare unlawful and void all arrangements, contracts, agreements, trusts, or combinations made with a view to lessen, or which tend to lessen, free competition in the importation or sale of articles imported into this State, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance, reduce, or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation, organized under the laws of this State, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act from doing business in this State; to require the attorney-general of this State to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement, or combination; to sue for the recovery of such damage, and for other purposes. (Chap. 141, p. 318, approved March 9, 1897.)

Section 1 declares trusts and combinations unlawful which prevent full and free competition in the importation or sale of articles imported into the State of North Dakota, or in the manufacture or sale of articles of domestic growth, or which reduce or control the price or cost of articles.

SEC. 2. Violation of the provisions of this act shall subject to forfeiture of charter and franchise of corporation doing business contrary to provisions.

SEC. 3. Any violation of the provisions of this act shall be deemed a conspiracy against trade, and any person or persons who may engage in such conspiracy shall be punished by a fine from \$100 to \$5,000 and by imprisonment in the penitentiary from one year to ten years, or either fine or imprisonment.

Persons injured by corporation violating provisions may sue for and recover damages.

NOTE.—Former penalty accompanying loss of charter was fine from 1 to 20 per cent of the capital stock of corporation or of amount invested.

Formerly engaging in a "trust" was held to be a misdemeanor, the penalty for which (see sec. 6812, Revised Statutes) was fine not exceeding \$500 or imprisonment not exceeding one year, or both.

University and school lands.—An act to amend sections 211, 219, 222, 224, 227, and 228 of Article III of the Political Code of the Revised Codes of North Dakota, relating to the board of university and school lands. (Chap. 145, p. 130, approved February 24, 1897.)

The amended sections of this act deal with the duty of county auditor relative to making returns concerning university and school lands, and with the selection and lease of lands for school and university purposes.

Cutting hay or feeding any grass on said lands prior to July 1 in any year is declared a misdemeanor, subject to penalty provided in section 225 of the Revised Codes.

Provision is made for granting permits to cut hay and to remove dead and down timber from board of university and school lands.

Taxation.—An elaborate law revising previous legislation. (Chap. 126, p. 256, approved March 8, 1897.)

Section 50 imposes a penalty of not less than \$25 for the neglect of any city, village, town, township, or school district officer who refuses to make report of the amount of taxes to be levied within a specified time.

SEC. 63. The county treasurer and sheriff are made liable for the whole amount of taxes they may fail to collect.

Section 95 provides that no deed shall be recorded without auditor's certificate of taxes paid. Violation, a misdemeanor: Penalty, fine \$100 to \$1,000.

SEC. 103. Neglect of duty by officers of county or township is punishable by a fine of \$200 to \$1,000.

OHIO.

1898.

Felony and misdemeanor defined.—Offenses which may be punished by death, or by imprisonment in the penitentiary, are felonies; all other offenses are misdemeanors. (Statutes, sec. 6795.)

Penalty is determined by statutes and affixed to crimes.

Over 1,000 crimes and offenses are indexed.

Cruelty to animals.—An act to amend section 6951 of the Revised Statutes of Ohio as amended April 15, 1881 (78 O. L., p. 134), and March 24, 1892 (89 O. L., p. 140). (P. 15, approved February 23, 1898.)

As amended the section named prohibits cruelty to animals by beating, mutilating, lack of good food and water, carrying in an inhuman manner, overwork, crowded transportation, etc. Penalty, fine from \$5 to \$200, or imprisonment not exceeding sixty days, or both.

Dehorning of cattle is allowed.

NOTE.—New feature: Working of infirm or diseased animals reckoned as cruelty.

Safety of employees.—An act to amend supplementary section 2573c of the Revised Statutes of Ohio, as amended and passed April 25, 1893. (P. 30, approved March 3, 1898.)

As amended this section named provides for the notification to owners, proprietor, or agents of shops or factories of necessary alterations or additions to secure safety to employees. Failure to comply with order of notice within the limit of time granted is declared a misdemeanor: Penalty, fine from \$50 to \$500, and \$10 additional for each day until such alterations and additions have been made.

Further provision is made for recording all examinations of shops and factories, showing the date when made, condition in which shops and factories are found, what changes were ordered, number of shops and factories in districts, number of men, women, and children employed, together with all such other facts and information of public interest concerning the condition of shops and factories as may be thought useful and proper, in the office of the chief inspector, who shall issue such instructions and make such rules and regulations for the government of the district inspectors as shall secure uniformity of action and proceedings throughout the different districts, said record to be filed as herein provided.

Weighing of coal.—An act to provide for the weighing of coal before screening. (P. 33, approved March 9, 1898.)

Sections of this act prohibit the screening of coal before weighing by any mine owner, lessee, or operator of coal mines in the State of Ohio, employing miners at bushel or ton rates, or other quantity, or by the class of workers engaged in mines wherein the mining is done by machinery, known as loaders.

Violation, a misdemeanor: Penalty, fine from \$300 to \$600.

The same.—An act for regulating the weighing coal at the mine where mined. (P. 163, approved April 21, 1898.)

Section 1 declares that whoever shall be employed to weigh coal as it comes from the mine shall take and subscribe an oath that he will correctly weigh all coal taken from such mine, and shall enter into bond in the sum of \$300 for the faithful discharge of such oath.

Violation of such oath subjects to fine from \$50 to \$500, or imprisonment from ten to sixty days, or both.

Unsafe buildings.—An act to amend sections 2572 and 2572b of the Revised Statutes of Ohio, amended and passed April 27, 1896 (O. L., vol. 92, pp. 408 and 409). (P. 34, approved March 9, 1898.)

The amended sections provide for the safety against fire of buildings used for the assemblage or betterment of people in the State of Ohio, and declare that persons

having control of such buildings who fail to comply with provisions herein prescribed shall be deemed guilty of misdemeanor: Penalty, fine from \$50 to \$500, and \$10 additional for each day or night such building is permitted to be used until changes, alterations, or additions have been made sufficient to warrant the issuing of certificate by the chief inspector of workshops and factories.

The duty of building inspectors is regulated relative to the time of making inspections.

NOTE.—Formerly the penalty was forfeiture or payment of a sum from \$50 to \$1,000, to be recovered with costs, for each day and night such place was permitted to be used or occupied contrary to requirements.

New feature: Concerning access to building by inspectors.

Health of female employees.—An act to amend section 1 of an act amended and passed March 6, 1891 (O. L., vol. 88, pp. 87 and 88), and section 2, passed April 16, 1885 (O. L., vol. 82, p. 132), entitled an act for the preservation of the health of female employees. (P. 35, approved March 9, 1898.)

As amended, the sections named declare that every person or corporation employing female employees in any manufacturing, mechanical, or mercantile establishments in the State of Ohio shall provide suitable seats for the use of such female employees and regulate the construction of said seats.

Provision is also made for having suitable dressing rooms and closets for the exclusive use of female employees, such closets not to be placed in basement or cellar unless basement or cellar is used for manufacturing, mechanical, or mercantile purposes, and females are employed therein. Furthermore, outside closets shall be placed at a distance from buildings not to exceed 20 feet in cities, towns, and villages not provided with a system of water works. If buildings are provided with a dry-closet system, such closets shall be kept in good sanitary condition at all times.

The State inspector of factories and workshops is charged with the duty of seeing that above provisions are observed and enforced.

Violation, a misdemeanor: Penalty, fine from \$10 to \$25 for each offense.

Accidents in workshops.—An act to amend section 2 of an act entitled "An act to provide for the collection of information relative to accidents occurring in the workshops and factories of the State," passed March 21, 1888 (O. L., vol. 85, p. 100; R. S., vol. 2, p. 2442). (P. 43, approved March 9, 1898.)

The amended section declares that any manufacturer who shall fail to comply with the requirements of this act, in each case of death by accident within seven days thereafter, and in each case of injury by accident within thirty days thereafter, shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$50.

The term "manufacturer," as applied in sections 1 and 2 of this act, is herein defined.

Noxious weeds.—An act to amend section 4730 of the Revised Statutes of the State of Ohio, as passed April 25, 1893. (P. 49, approved March 15, 1898.)

The amended section provides for the destruction of brush, briars, Canada or common thistles, or other noxious weeds growing upon highways of any city or village in the State of Ohio.

Failure on the part of the superintendent or manager of any toll road to cut and destroy weeds as herein specified shall subject such toll road company to the amount of cost of such work done by trustees of township, together with 100 per cent penalty and cost of action.

Disposal of dead bodies.—An act to amend section 3763, as amended February 19, 1881 (78 O. L., p. 33), of the Revised Statutes of Ohio. (P. 84, approved April 5, 1896.)

The amended section determines the restrictions under which medical colleges and teachers may receive bodies for dissection, and provides for the delivery of body to claimant, and for interment of body after examination or dissection, if so used; also for notification to relatives of deceased person. Any superintendent, coroner, infirmary director, sheriff, or township trustee failing or refusing to deliver bodies when applied for as herein provided, or who shall charge, receive, or accept money or other valuable consideration for the same, shall be subject to fine from \$25 to \$100, or imprisonment not exceeding six months, provided that no such body shall be delivered until twenty-four hours after death.

The bodies of strangers or travelers who die in any of the institutions herein named shall not be delivered for the purpose of dissection except said strangers or travelers belong to that class commonly known as tramps; and all bodies delivered as herein provided shall be used for medical, surgical, and anatomical study only.

The unauthorized possession of the body of any deceased person for the above purposes is declared unlawful, and the detention of the body of any deceased person

claimed by relative or friends shall also be unlawful, subjecting to penalty of fine from \$25 to \$100, or imprisonment not exceeding six months.

Handrails for staircases.—An act to amend section 2 of an act entitled "An act to give better protection to such persons as use and pass up and down stairways," etc. (P. 87, approved April 7, 1898.)

The amended section declares that any person or persons owning or having charge of stairs or stairways of buildings named in act, as directors, trustees, lessees, managers, or proprietors of any of said buildings wherein said stairs are erected and used for the purposes aforesaid, and neglecting or refusing to provide hand railings, and put up and keep the same in manner as prescribed, shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$100, and liability to person injured.

NOTE.—New feature: "It shall be the duty of the chief inspector of workshops and factories, or district inspectors, to enforce the provisions of this act.

Railroad telegraphs.—An act to provide for the erection and maintenance of a telegraph or a telephone wire along the line of steam railroads. (P. 88, approved April 7, 1898.)

Section 1 provides for the erection and maintenance of telegraph or telephone wires by railroad companies, and declares it unlawful for any steam railway company to ask or receive compensation for carrying or transporting passengers or freight over its railroad unless wires are maintained.

Section 2 declares that the charter of any steam railway or any steam railroad company failing or neglecting to comply with the conditions of this act shall be declared forfeited; and any officer, agent, or other person acting for or in behalf of any such steam railway company who shall order, direct, advise, ask, demand, or receive any compensation whatever for the carrying or transportation of passengers or freight over its railroad by any steam railway company mentioned, designated, described, or provided for in this act shall be subject to fine from \$100 to \$500, or imprisonment from thirty to ninety days, or both.

Imitation cheese.—An act to amend sections 1 and 3 of an act entitled "An act to prevent fraud in the manufacture and sale of imitation cheese," passed March 3, 1896 (92 O. L., p. 51). (P. 89, approved April 7, 1898.)

The amended sections provide for the branding of "filled cheese" and "skinned cheese."

Selling for cheese any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, subjects to penalty of fine from \$50 to \$100, or imprisonment from ten to thirty days for the first offense, and for each subsequent offense, fine from \$100 to \$200, or imprisonment from twenty to sixty days.

Commercial fertilizers.—An act to amend section 7002 of the Revised Statutes of Ohio (selling fertilizer without printed analysis). (P. 95, approved April 8, 1898.)

The amended section declares that whoever sells, exposes for sale, or offers for sale any commercial fertilizer without having complied with the provisions of sections 4446a, 4446b, and 4446c, of the Revised Statutes shall be fined in any sum not exceeding \$200, or imprisonment not more than thirty days, or both, and said fine or imprisonment, or both, shall not be a bar to the recovery of the civil penalty provided for by sections 4446f and 4446g of the Revised Statutes.

Commercial fertilizers.—An act to amend section 4446f and 4446g of the Revised Statutes of Ohio (being part of an act entitled "An act to regulate the manufacture and sale of commercial fertilizers," passed March 16, 1881, and amended April 27, 1893, and April 17, 1894). (P. 111, approved April 13, 1898.)

The amended sections provide penalty of fine not less than \$200 for first offense and not less than \$500 for every subsequent offense, with liability for damages for sale of commercial fertilizers contrary to provisions of sections 4446a, 4446b, and 4446c of the Revised Statutes, and for permitting analysis to be attached to any package of such fertilizer stating that it contains a larger percentage of any one or more of the required constituents than it really does contain.

Provision is made for bringing suit for the recovery of penalties in the court of common pleas of the county where the fertilizer was sold or manufactured.

Abandonment of parents by children.—An act to prevent the abandonment of parents by children. (P. 114, approved April 13, 1898.)

Section 1 declares that any adult person, a resident of the State of Ohio, having a parent within the State, who shall abandon a destitute, infirm, or aged parent shall be deemed guilty of a misdemeanor: Penalty, imprisonment at hard labor from three months to one year, sentence to be suspended on condition that said person shall give surety to the State of Ohio in the penal sum of \$1,000 that he will furnish such parent with necessary and proper shelter, food, care, and clothing.

NOTE.—The above act coincides with law in force for abandonment of child by parent.

Employment of minors.—An act to regulate the employment of minors, and to repeal various laws. (P. 123, approved April 19, 1898.)

Section 1 prohibits the employment of children under 13 years of age in any factory, workshop, mercantile or other establishment when the public schools in which district such child resides are in session, providing this act shall not apply to females working at household work; also the employment of boys under 15 years and girls under 16 years for wages or other compensation when public schools are in session.

Section 2 regulates hours of employment for minors under the age of 16 years for boys and 18 years for girls, and provides for keeping a record of minors employed, which shall be open to the inspection of the chief and district inspectors of workshops and factories.

SEC. 3. Any person or corporation who shall employ any minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall be subject to fine from \$20 to \$50, or imprisonment from ten to thirty days. Formerly the penalty was fine from \$50 to \$100, or imprisonment from thirty to ninety days.

Section 4 defines the duty of the inspector of workshops and factories relative to the enforcement of school attendance.

NOTE.—Above act embraces former legislation, with new features concerning age of minors employed, regulation of hours of employment, and enforcement of school attendance.

Protection of dogs.—An act for the better protection of dogs, and to amend various sections of the Revised Statutes. (P. 128, approved April 19, 1898.)

Sections 1 and 2 declare the right of owner to maintain an action for damages against person killing or injuring or carrying or enticing away any animal of the dog kind; any such animal shall be regarded as property, and such animal and the owner thereof shall have all the rights and privileges and be subject to the same restraints and limitations as are provided by law for live stock.

Whoever steals any animal of the dog kind is guilty of larceny; and whoever maliciously kills or injures any animal not his own is guilty as for the malicious destruction or injury to any property.

Sections 3 and 4, amending sections 4202 and 4208 of the Revised Statutes of Ohio, prohibit owners or persons having charge of certain cattle and domestic animals from allowing such animals to run at large under penalty of fine from \$1 to \$5, and fix and regulate fees for taking up stray animals.

Aiding sheriff.—An act to amend sections 7382 and 7386 of the Revised Statutes of Ohio. (P. 131, approved April 19, 1898.)

Section 7382 as amended provides for the conveyance of any person charged with the commission of an offense, or sentenced to imprisonment in the county jail, to the jail of any county in the State which may be deemed most convenient and secure, and for the sheriff to call such aid as may be necessary in guarding, transporting, or returning such person. Whoever neglects or refuses to render such aid when required shall forfeit and pay the sum of \$10.

Section 7386 as amended determines the process for the return of prisoner to the sheriff of the county where the trial is to take place where change of venue has been had.

Lewistown reservoir a public lake.—An act to set apart Lewistown reservoir as a public lake. (P. 142, approved April 19, 1898.)

Sections of this act declare that Lewistown reservoir is hereby dedicated and set apart forever as a public lake, to be known by the name of Indian Lake, which shall at all times be open to the public as a resort for recreation and pleasure, including the privilege of hunting and shooting, fishing in open season, and boating.

Destruction, injury, or disturbing of property, or theft upon any of the islands within the boundary of said lake, is prohibited.

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine as provided in section 6968.

Said Indian Lake shall be continued as a reservoir for canal purposes, and shall be under the control and supervision of the commissioners of fish and game.

Trusts and combinations.—An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in the State. (P. 143, approved April 19, 1898.)

Section 1 defines the term "trust."

Sections 2 and 3 define the duty of the attorney-general relative to prosecution against corporations, either foreign or domestic, for forfeiture of charter or being debarred from doing business in the State of Ohio.

Section 4 declares violation of provisions a conspiracy against trade, and any person who may become engaged in any such conspiracy shall be punished by fine from

\$50 to \$5,000 or imprisonment from six months to one year, or by both fine and imprisonment, and forfeit and pay \$50 for each and every day that violations shall be committed or continued after due notice given by the attorney-general or any prosecuting attorney.

Section 10 declares that issuing or owning trust certificates to enter into any combination the purposes and effect of which shall be to place the management or control of such combination, or the manufactured product thereof, in the hands of any trustees with intent to limit or fix the price or lessen the production and sale of any article of commerce, use, or consumption, or to prevent, restrict, or diminish the manufacture or output of any such article, shall be deemed a misdemeanor: Penalty, fine from \$50 to \$1,000.

Injury to business or property of another by reason of anything forbidden or declared to be unlawful by this act may be recovered in twofold the amount of damages sustained.

Blowers for friction wheels.—An act to define the construction of appliances for blowers for friction wheels and to amend an act entitled an act to create a better sanitary condition in workshops and factories where dust-creating machinery is used. (P. 155, approved April 21, 1898.)

Sections of this act provide for the use of blowers in factories or workshops where dust-creating machinery is used and regulate the construction of such appliances necessary to the carrying out of the purpose of this act; also the rate of speed at which fans or blowers shall be run.

The duty of chief and district inspectors is defined relative to the inspection of workshops and factories, and provision is made for notification by chief inspector to persons or companies operating workshops or factories to comply with the provisions of this act within thirty days after date of issuing order.

Failure to comply with the provisions of this act and with such orders for changes as may be issued by the chief inspector within the time specified is declared a misdemeanor: Penalty, fine from \$50 to \$100 or imprisonment not less than thirty days, or both fine and imprisonment.

NOTE.—New feature, concerning construction of appliances. Former penalty, fine from \$50 to \$200 or imprisonment from thirty to ninety days, or both, for each offense.

Bakeries, regulation of.—An act to amend and change the sectional numberings of an act for the regulation of the manufacture of flour and meal-food products. (P. 159, approved April 21, 1898.)

Sections of this act provide for the proper drainage, plumbing, and ventilation of bakeries; for furnishing bakeries with wash rooms and closets apart from the rooms where the manufacturing of food products is conducted; regulate the height of room, side walls, and ceilings of every room used for the manufacture of flour or meal food; also the storage of manufactured products, and sleeping places for persons employed in a bakery.

Provision is made for issuing certificate of compliance to the owner or operator of bakeries which after inspection are found to be conducted in compliance with provisions of this act, and for giving of thirty days' notice when requiring alterations which shall comply therewith.

Any person who violates the provisions of this act or refuses to comply with any requirement of the chief or district inspector, as provided herein, shall be guilty of a misdemeanor: Penalty, fine from \$20 to \$50 for first offense, and for second offense from \$50 to \$100 or imprisonment not exceeding ten days, and for third offense fine not less than \$200 and imprisonment not more than thirty days. Formerly the fine for third offense was not less than \$250.

NOTE.—New features: Concerning height of room and storage of manufactured products.

Sending letters to obtain money.—An act to amend section 7088 of the Revised Statutes of Ohio. (P. 168, approved April 21, 1898.)

The amended section declares that whoever writes or prints the whole or any part of any letter, telegram, or other instrument, or sends the same in any manner to any person in this State or elsewhere, with intent to obtain anything of value and to wrong and defraud any person shall, if the value of the property intended to be obtained is \$35 or more, be imprisoned in the penitentiary from one to five years; or if the value is less than that sum, be fined not exceeding \$50 or imprisoned from ten to sixty days, or both.

NOTE.—New feature: Penalty imposed if value is less than \$35.

Registration of pharmacists.—An act to amend sections 4405, 4406, 4407, 4408, 4409, 4410, 4411, and 4412, Revised Statutes of Ohio. (P. 181, approved April 4, 1898.)

The amended sections prohibit any person, other than a legally registered pharmacist, to open or conduct any pharmacy, or to compound, dispense, or sell any drug, chemical, or poison upon the prescription of a physician, and create the Ohio board of pharmacy, whose duties are defined relative to the registration of pharmacists, which registration is herein regulated.

Provision is made for the examination of applicants for certificate to practice pharmacy, granted for three years.

The board may refuse to grant or to revoke a certificate of any person guilty of a felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice pharmacy.

Violation of provisions, a misdemeanor: Penalty, fine from \$20 to \$100 or imprisonment from twenty to one hundred days, or both.

If any person shall file with the Ohio board of pharmacy any false or forged affidavit, or shall make under oath any false statement with the intent to secure for himself or for another person any certificate of registration, or a renewal thereof, he shall be deemed guilty of a felony, and shall be punished as provided by law for felony.

Whoever being a registered pharmacist, or assistant pharmacist, fails to display in a conspicuous place his certificate of registration shall be deemed guilty of a misdemeanor: Penalty, fine from \$5 to \$20, and each day's violation of this provision shall constitute a separate offense.

NOTE.—Formerly the fine was not exceeding \$100 for each week's business, if continued without registration or exposure of certificate.

Adulteration of vinegar.—An act to amend section 4 of an act passed March 21, 1887 (O. L., 82, p. 216). (P. 185, approved April 21, 1898.)

The amended section of an act relating to the adulteration of vinegar declares that whoever violates any of the provisions of the act shall be fined from \$50 to \$100 or imprisoned from thirty to one hundred days, or both, and in addition pay all necessary costs and expenses incurred in inspection and analyzing such vinegar, and provides for branding casks containing vinegar whether the contents be "cider vinegar," or "fruit vinegar," or "domestic cider vinegar."

NOTE.—New feature: Concerning brands.

Weights and measures.—An act to amend section 1061, Revised Statutes of Ohio, as enacted May 18, 1894 (O. L., vol. 91, p. 302), and to provide for a city sealer of weights and measures in cities of the third grade, first class. (P. 201, approved April 21, 1898.)

The amended section provides for the appointment of a deputy sealer of weights and measures and also a sealer of weights and measures in cities of the third grade of the first class, and defines their duties relative to listing weights and measures.

Persons are prohibited from using weights, measures, scales, or other machinery for weighing which do not conform to the standards prescribed by law; also directing or permitting any person to give any false or short weight or measure, or altering any weight, measure, or other instrument for weighing and measuring after the same shall have been tested, marked, and sealed.

Persons are required to exhibit to sealer of weights and measures for examination, testing, and marking. Any person violating any of the provisions of this act shall be subject to fine from \$5 to \$25 for first offense or imprisonment not exceeding thirty days, or both; and for any subsequent offense shall be subject to fine from \$25 to \$100 or imprisonment not exceeding sixty days, or both, and to stand committed until fine and costs are paid.

NOTE.—Formerly the fine was from \$10 to \$50 and costs.

Murder.—An act to amend section 6808 of the Revised Statutes of Ohio. (P. 223, approved April 23, 1898.)

The amended section declares that whoever purposely, and either of deliberate and premeditated malice, or by means of poison, or in perpetrating any rape, arson, robbery, or burglary kills another is guilty of murder in the first degree, and shall be punished by death, unless the jury trying the accused recommend mercy, in which case the punishment shall be imprisonment in the penitentiary during life. Murder in the first degree shall continue to be a capital offense, and proof of innocence must be established before person can be recommended for pardon.

NOTE.—New features: First: Recommendation to mercy.
Second. Murder in first degree continued capital offense.
Third. Concerning pardon.

Foreign corporations.—An act to amend section 148c of the Revised Statutes of Ohio. (P. 225, approved April 23, 1898.)

The amended section provides for filing of statements by foreign corporations doing business in the State of Ohio which shall contain facts concerning the condition of the business of such corporations, and for issuing certificate of authorization to do business to such corporations.

Failure of every foreign corporation to comply with requirements herein prescribed shall subject to penalty of fine of \$1,000 and an additional penalty of \$1,000 for every month that business is continued in the State of Ohio contrary to requirements.

If any person solicits or transacts within the State of Ohio any business for any foreign corporation until it shall have complied with all the provisions of this section he shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$500 or imprisonment from ten days to six months.

NOTE.—New features: First. Exception as to application of act to companies depositing \$25,000, etc. Second. Penalty imposed upon agent soliciting for noncomplying corporation.

Foreign corporations.—An act to amend section 1 of an act entitled an act to regulate foreign stock corporations other than moneyed, etc. (P. 227, approved April 23, 1898.)

The amended section provides for procuring a certificate to do business in the State of Ohio by foreign stock corporations, other than those herein designated, and regulates the requirements before certificate can be granted.

If any person solicits or transacts within the State of Ohio any business for any such foreign corporation until it shall have complied with all the provisions of this section he shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$500 or imprisonment from ten days to six months, or both.

NOTE.—New features: First. Designation of exempted corporations under this act. Second. Right to maintain action not allowed to corporation doing business without certificate. Third. Penalty imposed upon agent soliciting for noncomplying corporation.

Abandoned gas and oil wells.—An act to protect the mines in Ohio and the lives of the persons employed therein. (P. 237, approved April 23, 1898.)

Sections 1 and 2 provide for making maps of coal, gas, and oil lands within the State of Ohio, on which shall be plainly marked the location of gas and oil wells before mining operations of coal, gas, or oil are begun.

Sections 3 and 4 provide for the casing and sealing of said wells, and regulate the manner of sealing abandoned wells, notice of abandonment being given to chief inspector of mines, who shall require owner to plug or seal well as herein provided.

Section 6 declares that every person, firm, or corporation failing to comply with any of the provisions of this act shall be subject to a penalty of fine from \$100 to \$1,000; and in addition to such penalty every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$500 or imprisonment from ten to sixty days, or both.

Disposition of refuse.—An act to amend section 6923 of the Revised Statutes, as amended April 28, 1890. (P. 298, approved April 26, 1898.)

The amended section prohibits depositing dead animal carcasses, offal, sewage, or any putrid substance upon or into any lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common; also permitting any such nuisance to remain.

Neglect or refusal to remove or abate the nuisance within twenty-four hours after knowledge of its existence or after notice thereof, in writing, from any supervisor, constable, trustee, or health officer subjects to fine from \$10 to \$50, with costs, and in default of payment of fine and costs, imprisonment not exceeding thirty days.

Provision is made for the disposal of the contents of privy vaults, and in cities of the second grade of the second-class the contents of privy vaults shall be deposited at crematory, if crematory is maintained therein; and whoever shall haul away and deposit such contents at any other place than at said crematory shall be fined from \$10 to \$50 and pay the cost of prosecution, and in default of payment of fine and costs be imprisoned not more than thirty days.

NOTE.—New feature: Concerning deposit at crematory.

Keep to the right.—An act to amend section 3490 of the Revised Statutes of the State of Ohio, as amended March 12, 1886 (O. L., vol. 83, p. 30.) (P. 303, approved April 26, 1898.)

The amended section declares that all persons driving carriages or vehicles of any description, or riding horseback or on bicycles, on any public turnpike, road, or highway of the State of Ohio shall, on meeting carriages or vehicles, or person riding on horseback or on bicycles, keep to the right. Willful neglect or refusal to comply with this requirement or willfully obstructing any person in the free passage of such road or highway shall subject to fine from \$5 to \$25 for every such offense.

NOTE.—Above section is amended to include bicycles. Former penalty, fine from \$1 to \$20 and liability for damages.

Marriage license.—An act to amend sections 6390, as amended May 1, 1885 (O. L., 82, p. 202), and 6391, as amended April 5, 1889 (O. L., 86, p. 208), of the Revised Statutes of Ohio. (P. 309, approved April 25, 1898.)

Section 6390 as amended declares that every person applying for a marriage license shall state upon oath certain facts as herein regulated before said license is granted; and unless the person solemnizing the marriage return a certificate thereof to the probate court within thirty days after performing the ceremony he is declared guilty of a misdemeanor: Penalty, fine of \$50.

Consent of parents or guardians of minors is required before marriage license can be obtained, and if any judge shall, in any other manner than herein prescribed, issue or sign any marriage license he shall forfeit and pay a sum not exceeding \$1,000 to and for the use of the person aggrieved.

Section 6391 as amended provides for transmission of certificate of marriage to probate judge, and for recording the same. Every justice, mayor, or minister, or clerk of the monthly meeting failing to transmit such certificate to the probate judge within thirty days after the solemnization of the marriage shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$50.

NOTE.—New feature: Concerning marriage license.

Adulteration of crockery ware material.—An act to prevent the adulteration and injury of materials used in the manufacture of crockery ware. (P. 313, approved April 25, 1898.)

Section 1 declares that whoever purposely and maliciously puts into or upon any flint, spar, clay, glaze, or other ingredient used in the manufacture of earthenware, porcelain, china, or any other kind of pottery ware, any cobalt, soap, salt, sand, earth, or other material which shall tend to adulterate or injure the ingredients used in said manufacture shall be imprisoned in the penitentiary from one to seven years.

Selection of jurors, etc.—An act to amend section 621 of the Revised Statutes of Ohio, as enacted April 6, 1896, as heretofore supplemented, and to further supplement the same, etc. (P. 322, approved April 25, 1898.)

The amended sections deal with the amount of fees to which justices of the peace are entitled; with the election of judges and justices of the peace in all cities of the third grade of the first class in the State of Ohio, their term of office, powers of jurisdiction, and duties, and declare how vacancies may be filled.

The business of courts is regulated, also the appointment of clerks and deputy clerks, and their duties are defined.

The manner of issuing summons is regulated; also the time of appearance of parties summoned, the making up of juries, and also their election by the commissioners of jurors.

Whoever attempts, by request, hint, or suggestion, to influence said commissioners to select or not to select himself as a juror, or any other person or persons as aforesaid, shall be subject to fine of \$200 or imprisonment not exceeding twenty days, or both.

The drawing of juries is regulated, no person being compelled to serve as a juror more than six times in any one year, and the amount of his fees is determined.

NOTE.—Embraces former legislation with new features, penalty for attempting to influence selection of jurors being new.

Sale of intoxicating liquors.—An act to amend section 6946 of the Revised Statutes of Ohio. (P. 341, approved April 26, 1898.)

The amended section prohibits the sale of intoxicating liquors or keeping houses of ill fame at certain places within the State of Ohio. Violation subjects to fine from \$25 to \$100 or imprisonment not exceeding thirty days, or both, and provision is made for shutting up and abating such nuisance.

NOTE.—New feature: Concerning the provision allowing a regular dealer in intoxicating liquors to do business and sell the same at his usual place of business within 2 miles of the place where any agricultural fair is being held.

Sunday labor.—An act to amend section 7033 of the Revised Statutes of Ohio. (P. 358, approved April 26, 1898.)

As amended the section declares that whoever, being over 14 years of age, engages in labor on Sunday, or opens any building or places for the transaction of business on Sunday, or shall require any person in his employ or under his control to labor on Sunday, shall, upon complaint made within ten days thereafter, and upon conviction, be subject to fine of \$25 for first offense and for each subsequent offense fine from \$50 to \$100, and imprisonment from five to thirty days. Formerly the fine was \$10, upon complaint and conviction.

Works of necessity or charity are exempt, and also persons who observe the seventh day of the week as the Sabbath; families are not prevented from emigrating or traveling, or passengers from being landed or keepers of toll bridges, tollgates, or ferries from attending to their duties on Sunday.

Bond and investment companies.—An act to regulate certificate, bond, and investment companies, partnerships, and associations other than building and loan companies, and to regulate investment guaranty companies, partnerships, and associations doing business on the service dividend plan, and to protect holders of their certificates, debentures, and securities. (P. 401, approved April 25, 1898.)

Sections of this act provide for the deposit of \$25,000 by bond and investment companies doing business in the State of Ohio; also for statement and other papers to be filed as a condition precedent to engaging in business; also for the issuing of certificate of authority to do business in the State of Ohio, said certificate to be revoked whenever it is found that such company or association is not transacting business in accordance with law, or that the statement of its condition and affairs are false and fraudulent, or for failure to file the annual statement.

Agents of said companies or associations are required to be licensed, and provision is made for the annual statement of companies and for examinations by inspector.

The fees for license are herein regulated.

Any officer, agent, or representative of any company who shall attempt to place or sell any certificates, debentures, or other investment securities, or transact any business in the name or on behalf of company failing or refusing to comply with the provisions of this act, or failing to file with the inspector of building and loan associations the statement or report herein provided to be filed, shall be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$1,000 for each offense or imprisonment from thirty days to six months, or both.

Mob violence.—An act to amend and change the sectional numbering of an act for the suppression of mob violence, passed April 10, 1896. (P. 161, approved April 21, 1898.)

Sections of this act define the terms "mob," "lynching," and "serious injury," and declare that any person who shall be taken from the hands of the officers of justice in any county by a mob, and shall be assaulted by the same in any manner, shall be entitled from the county in which such assault shall be made any sum not to exceed \$1,000 as damages; also that any person assaulted by a mob and suffering lynching at their hands shall be entitled to recover from the county in which assault is made any sum not exceeding \$500; or if the injury received is serious, any sum not exceeding \$1,000; or if it result in permanent disability to earn a livelihood by manual labor, any sum not exceeding \$5,000.

The legal representative of any person suffering death by lynching at the hands of a mob in any county in the State of Ohio shall be entitled to recover of the county in which such lynching may occur any sum not exceeding \$5,000, and the disposition of such recovery is regulated. Any person suffering death or injury at the hands of a mob engaged in an attempt to lynch another person shall be deemed to have the same right of action thereunder as one purposely injured or killed by such mob.

Sections 10 and 11 define the county's right of action against member of mob and county's right of action against other county from which the mob came.

Section 12 declares that nothing in this act shall be held to relieve any person concerned in such lynching from prosecution for homicide or assault for engaging therein.

NOTE.—New feature: Damages not to exceed \$5,000 in case of lynching that results in permanent disability to earn livelihood by manual labor.

Prevention of lynching.—An act to prevent lynching. (P. 411, approved April 25, 1898.)

Section 1 declares that whoever shall break into or attempt to break into a jail or any prison, or to attack an officer, with intent to seize a prisoner for the purpose of lynching, shall be deemed guilty of a felony: Penalty, imprisonment in penitentiary from one to ten years.

Stallions and jacks, pedigree, lien, etc.—An act to amend section 3213-1 of the Revised Statutes of Ohio. (P. 420, approved April 26, 1898.)

The amended section declares that the keeper of any stallion or jack shall have a lien upon the get of the same for the period of twelve months after the birth of the same for the payment of the service of any such stallion or jack, and provides for the enforcement of said lien by the sale of property after giving notice as herein provided.

Any keeper or owner of any stallion or jack who misrepresents the pedigree, or

fails to publish a correct pedigree of his stallion or jack, when excellency or good qualities are claimed on account thereof, shall forfeit the services in any case when legally contested and proven, and shall be otherwise punished as provided by law against the use of false pedigree.

County officers, Brown County.—An act relative to the duties and compensation of certain county officers of Brown County. (P. 574, approved April 21, 1898.)

Section 1 regulates the salary and compensation of officers elected in Brown County.

Section 2 provides for the receipt and account by the treasurer of all fees, penalties, allowances, and other perquisites allowed by law.

Other sections deal with the duties of officers regarding statement of receipts and filing of same; also respecting the collection of fees, penalties, etc.

Provision is made for the collection of costs and fees due to officers which may remain unpaid for one year by prosecuting attorney.

If any officer of Brown County, herein mentioned, shall willfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or willfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined not exceeding \$5,000 or imprisoned in penitentiary from one to five years, or suffer both fine and imprisonment.

County officers, Tuscarawas County (p. 513, passed March 30, 1898).—Relates to the duties and compensation of certain county officers of Tuscarawas County.

Sec. 10. If any officer willfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or willfully makes any false or fraudulent showing, he shall be fined not more than \$5,000 or be imprisoned in penitentiary from one to five years. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes.

Infirmary directors (p. 261, approved April 26, 1898).—Amends the Revised Statutes of Ohio in relation to infirmary directors and to the government of county infirmaries for the poor.

Section 984 forbids infirmary directors from selling or furnishing supplies for the support of the poor; and superintendents and the other officers are prohibited from certifying any account knowing the same to be false or fraudulent: Penalty, \$500 to \$3,000 and liable to criminal prosecution.

Sec. 985. Persons guilty of transferring indigent persons to any city, township, or county in order to shift responsibility of caring for them liable to fine of \$50 for each offense.

Voting machines (p. 277, passed April 25, 1898).—Authorizes the purchase and use of voting machines for any and all elections and for the appointment of commissioners.

Section 13 forbids tampering with, impairing, or attempting to impair the use of such machine. Violation, misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding five years, or both.

Municipal penalties (p. 496, passed March 25, 1898).—Any officer of a city of the second class who shall willfully neglect or refuse to perform any of the duties of his office shall be guilty of a misdemeanor, and shall forfeit his office. And officers of the municipality are forbidden to be interested directly or indirectly in discounting any order issued or to be issued by the municipality. And (sec. 33) it shall be unlawful for any officer to be pecuniarily interested in any contract for work to be done or supplies furnished: Penalty, dismissal from office, and liable to a civil action for damages suffered by the city.

Sec. 34. Any officer or employee of the city receiving any fee, present, or gift other than his regular salary shall, if an officer, forfeit his office; if an employee, shall be dismissed from the service of the city and such offender shall be punished for misdemeanor.

Primary elections, Cincinnati and Hamilton County (p. 652, passed April 25, 1898).—A bill to regulate and control primary elections in cities of the first grade of the first class and in any county containing such city.

Sec. 7. Whoever, with intent to defraud or deceive, writes or signs the name of another person to any document, petition, or book required by law in general, special, or primary election shall be guilty of forgery, and shall be imprisoned in the penitentiary not less than one year nor more than three years.

Whoever attempts to vote at any election knowing that he is not a qualified elector, or to vote under an assumed or false name shall be fined \$25 to \$100 or imprisoned in county jail from three to six months, or both.

Whoever personates another for the purpose of voting or attempting to vote by assuming the name and place of any registered elector shall be imprisoned in the penitentiary not less than two nor more than five years.

Bicycles and bicycle paths.—An act to provide for the licensing of bicycles and the construction and repair of bicycle paths. (P. 203, approved April 21, 1898.)

Section 1 declares that whenever the county commissioners of any county shall declare it desirable to construct or repair bicycle paths on any of the highways of such county, and shall have published notice of such declaration for ten days in a newspaper of general circulation in the county, every person residing in such county shall procure a license and pay the sum of \$1 for each bicycle owned by him and used on the highways of such county.

Sections 2, 3, and 4 deal with the granting and obtaining of said bicycle license, and provide for the attachment of a metal tag to bicycles bearing number of license.

Section 5 provides for the construction of bicycle paths.

Section 7 declares that any person who shall, without necessity, ride or drive an animal or drive a vehicle drawn by an animal upon or along any such bicycle path, or any person who shall violate the provisions concerning exhibition of metal tag, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$50.

Dry strip of road for bicycle riders.—An act to amend section 2310, Revised Statutes of the State of Ohio, regulating the sprinkling of streets in cities of the first class. (P. 254, approved April 26, 1898.)

The amended section provides for sprinkling streets with water in cities of the first class in the State of Ohio.

A dry strip shall be left on all streets and avenues which are not less than 20 feet in width between curbs, the width of said strip being determined.

Bicycle riders shall have right of way of dry strip, and any person or persons failing to leave the dry strip in sprinkling any street, as herein provided, or any person or persons obstructing any bicycle rider or refusing to allow such bicycle rider to have the right of way of said dry strip, as provided herein, shall be deemed to have committed a misdemeanor: Penalty, fine not exceeding \$5.

GAME LAWS.

Birds and animals.—An act to amend section 6961 of the Revised Statutes of Ohio, as amended April 1, 1896, vol. 92, p. 116. (Page 4, approved January 27, 1898.)

As amended, the section named prohibits catching, killing, injuring or pursuing certain game birds and animals mentioned during the close season specified for said birds and animals; also destroying nests or eggs of game birds; hunting or shooting with any other than a common shoulder gun, or with the aid of any kind of boat whatsoever, except a common rowboat propelled by oars. The use of traps, nets, or snares is prohibited. No person shall kill any wild duck on Sunday, Monday, or Tuesday of any week on any of the reservoirs belonging to the State of Ohio, or in or upon the waters of Lake Erie, and the estuaries and bays thereof. No person shall hunt or shoot or trap, or have in possession implements for the hunting, shooting, or trapping of wild duck on Sunday, or shall shoot or kill the same before 6 a. m. or after 5 p. m. of any day.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine as provided in section 6968.

The killing of squirrels where such animals are found injuring grain, fruit trees, shrubbery, or vegetables by the owner or tenant of premises is not prohibited.

NOTE.—Provisos of above section formerly included killing of rabbits.

Birds.—An act to amend and supplement section 6960 of the Revised Statutes of Ohio, as amended March 25, 1896 (O. L., vol. 92, p. 86), etc. (Page 106, approved April 12, 1898.)

Section 6960, as amended, prohibits catching, killing, injuring, pursuing, or destroying eggs or nests of certain song and insectivorous birds herein named.

Violation, a misdemeanor: Penalty, fine as provided in section 6968.

SEC. 6960a. Permits to take birds, nests, and eggs for scientific purposes may be obtained in accordance with provisions herein instituted.

Section 6961, as amended, prohibits catching, killing, injuring, or pursuing certain game birds and animals mentioned during the closed season specified for said birds and animals; also destroying eggs and nest of same; hunting or shooting with any other than a common shoulder gun, or with the aid of any kind of boat except a

common rowboat propelled by oars. The use of traps, nets, or snares is prohibited. Killing wild duck on Sunday or Monday on any of the reservoirs belonging to the State of Ohio, or upon the waters of Lake Erie and the estuaries and bays thereof, or on the rivers or other waters in this State is prohibited. No person shall hunt, or shoot, or trap, or have in possession implements for the hunting, shooting, or trapping of wild duck on Sunday, or shall shoot or kill the same before 5 a. m. or after 6 p. m. of any day upon which it shall be lawful to kill the same.

Violation, a misdemeanor: Penalty, fine as provided in section 6968.

Section 6964, as amended, prohibits the purchase, sale, exposure, or possession of certain game birds within their close seasons as defined, or of certain song and insectivorous birds at any time. Also selling or transporting certain game birds beyond the limits of the State of Ohio under penalty as provided in section 6968, and in addition thereto shall be liable to a penalty of \$25 for each bird trapped or possessed contrary to the provisions of this act.

The game warden and deputy game wardens in the State of Ohio are authorized to open shipments containing birds or game at any time, and if prohibited by this act from being transported without the limits of the State shall take and confiscate such birds, game, or animals.

NOTE.—Section 6960a of above act is altogether new; section 6964 is new except as to proviso concerning common carrier to whom act is not applicable when in regular course of business for transportation.

Deer and pheasants.—An act to amend section 6963 as amended April 1, 1896 (92 O. L., p. 117), of the Revised Statutes of Ohio. (P. 217, approved April 23, 1898.)

The amended section prohibits catching or killing wild deer and pheasants during certain seasons herein specified.

Violation, a misdemeanor: Penalty, fine as provided in section 6968.

Carrier pigeons.—An act for protection of carrier pigeons. (P. 218, approved April 23, 1898.)

Section 1 prohibits shooting or injuring any Antwerp or homing pigeon, commonly called "carrier" pigeon; and also entrapping, catching, or detaining any such carrier pigeon, provided that such pigeon shall at the time have the name of the owner stamped upon its wing or tail, or have a band with the owner's name, initial, or number on its leg.

Violation, a misdemeanor: Penalty, fine from \$10 to \$25 for each offense.

Fish and game.—An act for the further and better protection of fish and game. (P. 303, approved April 26, 1898.)

By this act sections 6968-1, 6968-2, 6968-3, and 6968-4 as passed April 27, 1896, are amended and prohibit use of nets or seines in waters of the State of Ohio except Lake Erie, its bays, and certain waters mentioned; regulate time, place, and use of said nets where permitted.

Provision is made for obtaining license to fish with nets, and the duty of game wardens and other officers with respect to seizing and removing all nets or other devices used unlawfully is defined.

Possession of specialized fish under prescribed length unless caught with hook and line is prohibited; also the purchase, sale, or possession of any fish caught out of season or in any illegal manner.

Violation of provisions is declared a misdemeanor: Penalty, fine from \$25 to \$100 for the first offense and from \$50 to \$100 for each subsequent offense, and in case of failure or refusal to pay fine and costs, imprisonment until said fine and costs are paid. Formerly fine for second and subsequent offense was from \$50 to \$500, and in default of payment imprisonment until fine and costs were paid.

Terms used in pursuance of this act are defined, and exceptions as to the taking of minnows for bait, stocking ponds, lakes, and rivers for the maintenance and cultivation of fish in hatcheries, and the taking of German carp are stated.

NOTE.—New features: Concerning license.

PENNSYLVANIA.

1897.

Punishment of felony and misdemeanor.—*Under Title X, General Provisions, sec. 178.*—Every felony, misdemeanor, or offense whatever not specially provided for by this act may, and shall be, punished as heretofore. (Pepper & Lewis's Digest, vol. 1, p. 1158, sec. 146.)

The same in Brightley's Pardons Digest. (Vol. 1, p. 560, sec. 65.)

Punishment of misdemeanor.—Every person found guilty of a misdemeanor under either of the preceding sections of this title [offenses against personal property] wherein the nature and extent of the punishment is not specified shall be sentenced to an imprisonment not exceeding two years, or be fined in any amount not exceeding \$1,000, or both or either, at the discretion of the court. (Laws Penn., 1860, act No. 374, sec. 121.)

Communication with convicts (No. 4, p. 7, approved March 5, 1897).—An act to amend section 8 of an act entitled "A supplement to the act entitled 'An act to provide for the erection of a new prison and a debtor's apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut street, in said city,'" approved April 14, 1835, so far as it provides that none but official visitors shall have any communication with the convicts, amending the same by requiring the consent of the board of prison inspectors before any person shall visit the convicts.

As amended, the section regulates the visiting of convicts within the prison named in the above act, declaring that none but official visitors shall communicate with the convicts, nor shall they be supplied with letters or messages unless they are first submitted to the superintendent or one of the inspectors, under penalty of fine of \$100.

Municipal indebtedness (No. 31, p. 17, approved April 13, 1897).—An act to amend section 2 of an act entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved April 20, 1874, abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to 8 per cent of the amount of such increased debt, and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed.

As amended, the section declares that any county, city, borough, school district, or other municipality may incur a debt or increase its indebtedness to an amount in the aggregate not exceeding 2 per cent upon the assessed value of the taxable property herein, and the authorities may direct the incurring of said debt and issue securities therefor. Before issuing any such obligation or security a sworn statement must be filed showing the actual indebtedness of the district, the amount of the last preceding assessed valuation of the taxable property herein, the amount of debt to be incurred, the form, number, and date of maturity of the obligations to be issued therefor. Failure by municipal officers to make such statement is declared a misdemeanor, punishable as provided in section 1 of this act.

NOTE.—The penalty referred to is fine not exceeding \$10,000 and imprisonment not exceeding one year, or either, at discretion of court.

Corporation reports (No. 21, p. 25, approved April 19, 1897).—An act to further amend an act approved April 9, 1870, requiring railroad, canal, navigation, and telegraph companies to make uniform reports to the auditor-general, which act, as amended by the act of April 13, 1889, extended its provisions to telephone companies, and, conforming to the requirements of the constitution, provided for the filing of such reports with the secretary of internal affairs, and regulated the time for the filing of the same, which said act is now further amended as to the time of forwarding blanks for such reports, and the provisions of said act are extended to include all corporations owning or operating lines of railways, canals, transportation, telegraphs, or telephones located in whole or in part in Pennsylvania.

As amended, section 1 directs the secretary of internal affairs to print blank forms for annual reports of the several corporations named in the act that control lines in whole or in part within the State of Pennsylvania and to supply the same to said corporations, said reports to be returned and filed in the bureau of railways and copies to be sent to the governor and legislature.

Section 2, as amended, makes provision for the said corporation to report to the secretary of internal affairs under oath, as herein prescribed.

Section 3, as amended, declares that every such corporation as is named in the above act that shall refuse or neglect to make report as herein provided and at the time specified shall be liable to a penalty of \$5,000.

Forest fires (No. 7, p. 9, approved March 30, 1897).—An act making constables of townships ex officio fire wardens for the extinction of forest fires, etc.

Section 1 constitutes constables of the various townships of the State of Pennsylvania fire wardens, whose duties are defined relative to checking forest fires, and authorizing them to call upon persons within their respective counties for assistance.

Sec. 2. Any person who, being called upon by the fire warden of his township to furnish assistance in extinguishing forest fires, as herein provided, shall without rea-

sonable cause refuse to render such assistance shall pay a fine not exceeding \$10, or undergo imprisonment not exceeding thirty days, or both, at the discretion of the court.

Provision is made for wardens to report to the court of quarter sessions all violations of the above occurring within their respective townships, and on failure of any fire warden to comply with this provision, or failing to perform his duty as set forth in section 1 of this act, he shall be deemed guilty of willfully making false return or neglect of duty, and he shall be suspended from office, tried, and if found guilty shall be fined in a sum not exceeding \$50, or undergo imprisonment not exceeding three months, or both.

Forest fires (No. 228, p. 295, approved July 15, 1897).—An act to amend the first section of an act entitled an act to protect timber lands from fire, approved June 2, 1870, providing for a penalty in case of the failure of county commissioners to comply with the terms of said act after demand made upon them by the commissioner of forestry and providing for the commonwealth bearing half of the expenses incurred under said act.

The section amended declares that county commissioners shall appoint persons to institute proceedings and extinguish fires. Failure to comply is declared to be a misdemeanor in office: Penalty, fine not exceeding \$100, or imprisonment not exceeding two years, or both.

Employment of minors and women (No. 26, p. 30, approved April 29, 1897).—An act to regulate the employment and provide for the health and safety of men, women, and children in manufacturing establishments, mercantile industries, laundries, renovating works, or printing offices, and to provide for the appointment of inspectors, office clerks, and others to enforce the same.

The sections of this act prohibit the employment of minors and women for more than twelve hours in any day, or more than sixty hours in any week; also the employment at any time of children 13 years of age, and employers are required to keep a register of all persons employed under 16 years of age. It is declared unlawful to hire or employ any child under the age of 16 years without stating the age, date, and place of birth of said child on filed affidavit.

The employment of minors who can not read and write is prohibited, unless having attended during the preceding year an evening or day school for a period of sixteen weeks.

Provision is made for employers to post printed notice of number of hours' work per day required, and also name and ages of children employed under 16 years of age. Also for employers to provide suitable seats for the use of girls and women, to inclose hoisting shafts and wellholes if the inspector directs, to have proper traps or doors for elevators, which shall open and close automatically and to properly guard all dangerous machinery. Accidents shall be reported within twenty-four hours to the factory inspector. Regulations for supplying proper wash and dressing rooms in factories and workshops are prescribed; also the time for the noonday meal, the heating, lighting, ventilation, or sanitary arrangements, and the means of egress in case of fire.

Provision is further made for owners of boilers used for generating steam to report the condition thereof to factory inspectors, who may enter premises and inspect the same, and if found dangerous said boilers must be placed in safe condition.

A printed copy of this act shall be furnished by the inspector to the workroom of every factory, manufacturing, or mercantile industry where persons are employed, and it shall be the duty of the employer of the people therein to post said printed copy of the law in each room.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine not exceeding \$500.

NOTE.—Former penalty for employing child under 13 years of age was fine of \$50.

To protect the American flag.—An act to protect the American flag from insult and degradation. (No. 27, p. 34, approved April 29, 1897.)

Any person who shall willfully take down, injure, or destroy any American flag or flagstaff erected on any private or public building or place, or use said flag for any advertising business or trade whatsoever shall be guilty of a felony: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Falsely personating a detective.—An act to prohibit any person from falsely representing himself to be, or falsely assuming to act as a detective or any elective or appointive officer within the Commonwealth of Pennsylvania, and prescribing the penalty therefor. (No. 32, p. 39, approved May 5, 1897.)

By this act it is declared that every person within the State of Pennsylvania who

falsely represents himself as stated in the act shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding two years, or both. Formerly the penalty for such false representation was fine not exceeding \$500 and imprisonment not exceeding one year.

Employment in tenement houses, etc.—An act to regulate the employment of and provide for the health and safety of persons employed where clothing, cigarettes, cigars, and certain other articles are made or partially made and that said articles be made under clean and healthful conditions. (No. 37, p. 42, approved May 5, 1897.)

Section 1 prohibits the use of rooms in tenement houses for manufacturing the articles mentioned in the act; also the employment of persons who work therein unless a permit be obtained from the factory inspector, the granting of which is herein regulated.

Section 2 provides for the proper ventilation of workrooms and for keeping them in a thoroughly clean, sanitary, and fit condition for occupancy; also for the use of proper safeguards against fire.

The factory inspector is required to furnish a printed copy of this act to every factory, manufacturing or mercantile house where persons are employed, which the employer shall post and keep posted in each workroom.

Violation of any of the provisions of this act or refusal to comply with any requirements of the factory inspector as herein provided is declared a misdemeanor: Penalty, fine from \$20 to \$50 for first offense; from \$50 to \$100 for second offense, or imprisonment not exceeding ten days; and for third offense fine not less than \$250 and imprisonment not exceeding thirty days.

Indecent and immoral writings.—An act to prevent and punish the loan, gift, sale, or distribution of indecent and immoral writings, paintings, pictures, photographs, or representations of all matters of an indecent or an immoral character and of all articles, drugs, recipes, etc., to prevent conception, or for unlawful abortion or intended purporting to be used for such purposes, or either of them, and also to prevent the advertisement, exhibition, or publication of the same and to authorize the seizure and destruction of all such matter. (No. 51, p. 63, approved May 12, 1897.)

Section 1 prohibits selling, loaning, giving, or advertising any of the articles mentioned in this act or giving notice where such articles can be obtained or hiring persons to assist in violation of the act. Violation is declared a misdemeanor: Penalty, fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, for each offense.

Section 2 prohibits selling or advertising any article or thing to prevent conception or cause abortion. Violation is declared a misdemeanor and liable to the same penalty as above. Section 3 declares that any constable, marshal, or police officer within the county is authorized to search for, seize, and take possession of any of the articles specified in this chapter in the possession of the person against whom complaint is made.

NOTE.—Former penalty for violation, fine not exceeding \$500 and imprisonment not exceeding two years.

Libelous communications.—An act punishing the sending of anonymous communications of a libelous, defamatory, scurrilous, or opprobrious nature. (No. 66, p. 85, approved May 25, 1897.)

By this act it is declared that every person who, without appending his or her proper signature thereto, shall send to another any written or printed communication the nature of which is either libelous or opprobrious, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 and imprisonment not exceeding one year.

Adulteration of drugs, etc.—An act to prevent the adulteration, alteration, and substitution of drugs and medicinal preparations, and providing penalties for violation thereof. (No. 68, p. 85, approved May 25, 1897.)

Section 1 prohibits the sale of adulterated drugs, defines the term drugs, and determines when drugs shall be deemed adulterated.

The State pharmaceutical examining board is empowered to employ an expert chemist, whose duties shall be to examine into any claimed adulteration, and to report upon the result of this investigation.

Violation of any of the provisions of this act is declared a misdemeanor: Penalty, fine not to exceed \$100 or imprisonment not exceeding ninety days, or both.

NOTE.—Formerly the fine was not exceeding \$500, with forfeiture of articles adulterated.

Furnishing liquor to minors.—An act relating to the prosecutions of licensed dealers and their employees on the charge of furnishing intoxicating liquors to minors and prescribing the penalty therefor. (No. 76, p. 93, approved May 25, 1897.)

By this act violators of the law may show circumstances under which liquor was furnished to a minor, and if it appear that it was furnished knowingly or negligently the offender shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500 and imprisonment in county jail not exceeding ninety days.

NOTE.—Formerly the penalty for furnishing liquor to minors was fine from \$10 to \$50 and imprisonment from ten to sixty days.

Diseases of stock, etc.—An act to protect the health of the domestic animals of the Commonwealth of Pennsylvania. (No. 82, p. 99, approved May 26, 1897.)

Section 1 prohibits the importation for breeding purposes into the State of Pennsylvania, excepting when accompanied by a certificate from an inspector showing that they have been examined and subjected to the tuberculin test and are free from disease.

Section 2 declares that in lieu of an inspection certificate the cattle may be detained at suitable stock yards and there examined at the expense of the owner.

Section 3 defines the powers of the State live stock sanitary board relative to making and enforcing rules and regulations governing the importation of domestic animals into the State.

Violation of the provisions of this act is declared a misdemeanor: Penalty, fine from \$50 to \$100 or imprisonment from ten to thirty days, or both, with liability for the full amount of damages.

Protection of Union soldiers.—An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause, and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers, except for good reason. (No. 89, p. 106, approved May 26, 1897.)

Section 1 declares that Union soldiers holding any office, trust, or position within the State of Pennsylvania shall not be discharged from office unless for reasonable or just cause. Violation, a misdemeanor: Penalty, fine not exceeding \$500.

Section 2 declares that no office, position, or employment under or in connection with the State, now or at any time hereafter held by any honorably discharged Union soldier, shall be abolished, nor shall the salary thereof be reduced without good and sufficient reason. Violation of these provisions is declared a misdemeanor: Penalty, fine not exceeding \$200.

Female insane patients.—An act to amend an act approved April 14, 1893, entitled an act to provide for the better protection of female insane patients in transit, fixing a penalty for the violation of the said act, and providing the manner in which such penalty shall be recovered. (No. 92, p. 110, approved May 27, 1897.)

The act provides that there shall be a female attendant for every female insane patient in transit, at the expense of the proper county or poor district, unless such patient is accompanied by a member of her family. As amended, it declares that any public officer or steward transferring as aforesaid any such female insane person, who shall refuse or neglect to observe the provisions of this act as hereby amended, shall be subject to a penalty of \$250 for each such refusal or neglect, to be recovered in the name of the Commonwealth by the district attorney of the county.

Blackmail.—An act to amend an act making it a misdemeanor to levy blackmail or extort money or other valuable thing by threats, charges, or accusations, and fixing the penalty therefor. (No. 93, p. 111, approved May 27, 1897.)

By this act it is declared that any person who shall, with intent to intimidate, levy blackmail, or extort money by means of threats or charges by written or printed communications, injure the person, property, or reputation of any person shall be guilty of a misdemeanor.

Penalty, fine not exceeding \$1,000 or imprisonment by separate or solitary confinement at labor, or by simple imprisonment not exceeding three years.

Bakeries.—An act to regulate the manufacture of flour and meal food products. (No. 95, p. 112, approved May 27, 1897.)

Sections of this act regulate the time of employment of persons employed in bakeries and confectionery establishments, and provide for the proper draining and plumbing and ventilation of building used.

The construction of rooms used for the manufacture of flour or meal food products is regulated, and the keeping of domestic or pet animals is not allowed in rooms so used.

Provision is made for keeping manufactured flour and meal-food products in perfectly dry and airy rooms, and for the proper furnishing of wash rooms, closets, and sleeping rooms of employees.

Employing in bakeries persons who are affected with consumption is prohibited. Any person who violates any of the provisions of this act, or refuses to comply with

any requirements of the factory inspector, excepting that relative to the employment of consumptives (sec. 7), is declared guilty of a misdemeanor: Penalty, fine from \$20 to \$50 for first offense; from \$50 to \$100 for second offense or imprisonment not exceeding ten days; and for third offense, fine not less than \$250 and imprisonment not more than thirty days. The factory inspector is authorized to issue a certificate of satisfactory inspection to a person conducting a bakery if conducted in compliance with all the provisions of this act. A copy of this act shall be posted in a conspicuous place in each workroom of every bakery or confectionery establishment in the State of Pennsylvania.

Coercion of employees.—An act to protect employees or corporations in their right to form, join, or belong to labor organizations, by prescribing penalties with any interference therewith. (No. 98, p. 116, approved June 4, 1897.)

By this act the coercion of employees by discharging them or threatening to discharge them from the employment of corporations because of their connection with any lawful labor organization is prohibited; also preventing employees from joining labor organizations, or interference with any employee's connection therewith. Violation, a misdemeanor: Penalty, fine from \$1,000 to \$2,000 and imprisonment not exceeding one year, either or both, at the discretion of the court.

Municipal penalties—Borough ordinances.—An act relating to boroughs, providing a method of procedure for violations of law and borough ordinances, and for collection of the fines and penalties imposed for said violations. (No. 101, p. 121, approved June 4, 1897.)

Section 1 gives to the policemen and constables of the several boroughs of the State of Pennsylvania additional powers to arrest and commit for hearing any person guilty of a breach of the peace, vagrancy, disorderly conduct, or drunkenness, or who may be engaged in the commission of any unlawful act, endangering the property of citizens, or violating any ordinances of said borough, persons so arrested being entitled to trial.

Section 2 regulates the commencement of action, and section 3 declares that any person arrested for the violation of a borough ordinance may be sentenced and committed to the borough lockup for a term not exceeding five days or to the county jail for a term not exceeding thirty days; provided, however, that no fine or penalty shall exceed \$100 for any single violation and that in case the defendant has goods or property out of which judgment and costs can be collected the plaintiff may elect to proceed to collect the said judgment for fine or penalty and costs by said proceeding.

NOTE.—Former penalty, five days in lockup or work on public streets not exceeding one day for each \$1 of fine imposed.

Game law.—An act for the better protection of game and game mammals, game birds, song and insectivorous birds, limiting the number of game birds and game mammals to be killed by any one person in one day or in one season, prohibiting the sale of the same and the shipment thereof out of the State, and providing the penalties for the violation thereof. (No. 103, p. 123, approved June 4, 1897.)

Section 1 prohibits hunting or shooting on Sunday, under penalty of \$25 for each offense, or imprisonment for one day for each \$1 of fine.

Section 2 prohibits the killing of certain song and wild birds; also having in possession or exposing for sale the same, or game mammals killed or taken in Pennsylvania, except as hereinafter provided; the destruction of nests and eggs is prohibited, although under certain conditions certificate may be granted for scientific persons. Violation of these provisions subjects to penalty of \$10 for each offense, or in default of payment, imprisonment in county jail for one day for each \$1 of fine.

Section 3 prohibits killing wild turkeys, pheasants, and other game birds during the close season as herein defined, under penalty of \$25 for each bird taken or imprisonment as in section 2.

Section 4 prohibits killing or having in possession any elk, deer, or fawn, except during the month of November in each year; also killing deer in the water of any of the streams, ponds, or lakes within the State; also the use of dogs in hunting. Offense against any of these provisions subjects to penalty of \$100 or imprisonment, as in section 2.

Dogs pursuing deer may be killed.

Section 5 prohibits trapping or killing game for the purpose of sale; also the purchase of such game, under penalty of \$100 for every animal so taken, purchased, or sold, and \$25 for every game bird so taken or imprisonment as in section 2.

Section 6 prohibits the shipping of birds and game mammals out of the State; also the transportation of the same without the State by railroad or express companies. The number of birds and deer to be shot by one person is regulated. Offense against the

provisions of this section subjects to penalty from \$50 to \$100 for each offense or imprisonment as in section 2.

Section 7 prohibits the killing of hares, rabbits, and squirrels, except within certain times named, under penalty of \$10 for each animal so taken or killed, or imprisonment as in section 2. The former penalty was fine of \$5 for each animal killed.

Section 8 prohibits hunting hares and rabbits with ferrets, under penalty of \$25 for each hare or rabbit so caught, and persons having ferrets in possession while hunting shall be liable to a penalty of \$25 for each ferret so possessed or imprisonment as in section 2.

Section 9 prohibits the killing of game birds and mammals in any other manner than by shooting them with a gun. Setting trap or other device with intent to catch, take, or kill any of the game birds or mammals mentioned, or making use of any artificial light, battery, or other deception, is prohibited. Trapping quail to keep during the winter is allowed from January 1 to February 15, but quail so taken shall not be transported to any other locality and must be liberated in the spring in the same locality where they were caught. Offense against the provisions of this section subjects to penalty of \$50 or imprisonment as in section 2.

Section 10 prohibits breaking or destroying nests or eggs except as provided for in section 2, under penalty of \$50 for each offense or imprisonment as in section 2.

Sec. 11. Whoever shall offend against any of the provisions of this act shall be liable to the penalty of the section governing the same for each offense committed or imprisonment in county jail for period of one day for each \$1 of penalty imposed.

Sec. 13. Any person may have in his or her possession the game birds and game mammals herein mentioned for a period of fifteen days after the time limited for killing the same has expired and shall not be liable for any penalty under this act.

NOTE.—New features: Concerning song birds named; change in times of close seasons, trapping of game animals and birds, and the purchase and sale of such game, prohibition of shipping game birds and animals out of the State; concerning ferrets; also provisions of section 9.

Badges of labor or fraternal organizations.—An act to prevent the wearing of the badge or button of any labor or fraternal organization by others than members, and fixing a penalty for the same. (No. 116, p. 139, approved June 10, 1897.)

By this act it is declared that violations of the provisions for the purpose of obtaining aid or assistance within the State is a misdemeanor, punishable by a fine not to exceed \$100.

Adulterated milk or cream.—An act to prohibit the adulteration or coloring of milk or cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same. (No. 118, p. 142, approved June 10, 1897.)

Section 1 prohibits selling adulterated milk or cream, and declares the same to be a misdemeanor, punishable by fine from \$50 to \$100 or imprisonment not exceeding sixty days, or both. The dairy and food commissioner of the State is charged with the enforcement of this act.

Unlawful solicitation of money from coal miners.—An act for the better protection of employees in and about the coal mines by preventing mine superintendent, mine foremen, and assistants from receiving or soliciting any sums of money or other valuable consideration from men while in their employ, and providing a penalty for violation of the same. (No. 130, p. 157, approved June 5, 1897.)

By this act it is declared that any mine superintendent, foreman, or assistant, or any other person, who shall receive or solicit any sum of money or other valuable consideration from any of his employees for the purpose of continuing in his employ or procuring employment shall be guilty of misdemeanor: Penalty, fine from \$50 to \$300 and imprisonment not less than six months, or both.

Sale of gold goods.—An act to regulate the sale of goods marked "gold" or "solid gold." (No. 136, p. 163, approved June 15, 1897.)

Section 1 prohibits the sale of goods marked "gold" or "solid gold" of less number than 10 karat, and regulates the ratio of pure gold and alloy. Violation is declared a misdemeanor, and subjects to penalty of fine not exceeding \$100 or imprisonment not exceeding three months, or both.

Section 2 prohibits making articles as "gold" or "solid gold" unless they contain 10 karats pure gold. Violation, a misdemeanor: Penalty as above.

Tax on unnaturalized employees.—An act to regulate the employment of foreign-born unnaturalized male persons over 21 years of age, and providing a tax on the employers of such persons, and prescribing a penalty for violating the provisions of said act, and directing the manner of collecting the same, and providing that the amount of such tax may be deducted from the wages of persons affected by the provisions thereof.

Section 1 provides for a tax of 3 cents per day for each unnaturalized male employee over 21 years of age employed by persons, firms, associations, or corporations.

Section 2 requires a record of such employees to be kept, which record shall be subject to inspection.

Section 3 provides for a quarterly report to be made to county commissioners concerning foreign-born unnaturalized male persons, which report shall be accompanied with taxes due to the county.

Failure to keep the record of employment of such foreign-born male persons, or to make the reports and pay the tax as provided in this act, is declared a misdemeanor: Penalty, fine from \$200 to \$1,000 for each offense.

Adulteration of vinegar.—An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same. (No. 140, p. 168, approved June 18, 1897.)

Sections of this act regulate the sale of vinegar and also the branding of fermented and distilled vinegar. Selling vinegar containing ingredients injurious to health is prohibited, and provision is made for plainly marking all packages containing vinegar. The dairy and food commissioner of the State is charged with the enforcement of this act, and is authorized to have access to all places of business and to open any vessel containing vinegar or any adulteration or imitation thereof which may be manufactured, sold, or exposed for sale, for the purpose of analyzing the same. Violation of any of the provisions of this act a misdemeanor, punishable by fine from \$50 to \$100 or imprisonment from ten to thirty days, or both, for the first offense, and for every subsequent offense fine of \$100 and imprisonment for thirty days.

NOTE.—Former penalty was fine from \$50 to \$100 or imprisonment from thirty to one hundred days, or both, with costs and expense of inspection, and vinegar subject to spoliation.

Convict labor.—An act limiting the number of inmates of State prisons, penitentiaries, State reformatories, and other penal institutions within the State of Pennsylvania to be employed in manufacturing goods therein, and prohibiting the use of machinery in manufacturing said goods. (No. 141, p. 170, approved June 18, 1897.)

Sections of this act regulate the employment of inmates of State prisons in Pennsylvania; also fix the percentage to be employed in the various industries of the institutions, the use of machinery in any of the said institutions; and any warden, superintendent, or other person having control of the employment of inmates of any of the State institutions mentioned where convict labor is employed who shall violate the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding one year, or both.

Infected trees or fruit.—An act to prevent the spread of the contagious diseases known as yellows, black knot, peach rosette, and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine, and pear trees, or the fruit thereof, and providing measures for the eradication of the same, and applying the provisions of this act to the San José scale when found on any vine, plant, shrub, or fruit tree. (No. 142, p. 172, approved June 18, 1897.)

Section 1 prohibits keeping fruit trees infected with contagious diseases, or offering for sale, shipment, or selling or shipping any of the fruit thereof.

Section 2 provides for the appointment of three commissioners, who shall examine trees or fruits affected with said diseases, and if the disease is found to exist a distinguishing mark shall be placed upon the diseased trees and the owner notified to destroy the same within five days. If persons shall neglect to destroy these diseased trees said commissioners may destroy them, and for the purpose of removal or destruction shall have the right and power to enter upon any and all premises within their township, borough, or city.

Any owner neglecting to uproot and destroy diseased trees or fruit after such examination and notification and within the time specified, or any person selling or offering for sale such diseased fruit, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$100.

NOTE.—Formerly the fine was not exceeding \$10 or imprisonment in the county jail not exceeding ten days.

Soliciting alms and work by fraud.—An act making it a misdemeanor for persons to obtain, or attempt to obtain, positions of trust or solicit alms by fraud or misrepresentation, and providing a penalty for the same. (No. 153, p. 184, approved June 22, 1897.)

By this act it is declared that any person who shall obtain, or attempt to obtain, employment or appointment to any office or place of trust by color or aid of any

forged letter, or certificate of recommendation, or false statement in writing, as to his or her name, residence, previous employment, or qualification, or falsely represent himself or herself to be a deaf, or dumb, or blind person in order to collect or obtain money, food, clothing, or anything of value, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Sale of silver goods.—An act to regulate the sale of goods marked "sterling" or "sterling silver," or "coin" or "coin silver." (No. 155, p. 186, approved June 22, 1897.)

Section 1 prohibits the sale of articles of merchandise marked sterling or sterling silver unless containing nine hundred and twenty-five one thousandths pure silver. Violation, a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding three months, or both.

Section 2 regulates the sale of merchandise marked coin or coin silver, and determines the ratio of pure silver; also, the selling of articles with metal mountings marked "sterling" or "coin." Violation, a misdemeanor: Penalty, as in section 1.

Fraudulent preferences by insolvent debtors.—An act to prevent fraudulent preferences by insolvent debtors, and providing a punishment therefor. (No. 158, p. 193, approved June 23, 1897.)

By this act it is declared that if any person shall confess judgment against himself, or against any association represented by him, in favor of one not a bona fide creditor, with intent to defraud his creditors, he shall be guilty of a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding two years, or both.

Road supervisors.—An act providing for the election and appointment of road supervisors in the several townships of this Commonwealth, defining their duties, authorizing them to make, repair, and maintain roads and bridges, let contracts for the same, levy and collect taxes, employ labor, divide townships into districts, appoint roadmasters and treasurer, purchase road-making implements and machines, prescribing penalties for violations of this act, and requiring the road supervisors to report to township auditors and to the secretary of agriculture from time to time, and for the repeal of all laws, general, local, or special, inconsistent herewith or supplied hereby. (No. 160, p. 194, approved June 23, 1897.)

Sections of this act regulate the election of road supervisors, who shall organize as a board and proceed to levy a road tax, the rate of which is herein fixed. The duties and powers of road supervisors and roadmasters are defined, relative to the making or repairing of roads, building of township bridges, and the purchase of implements, machinery, etc.

Provision is made for the appointment of a treasurer who, shall truly account for and pay over all moneys collected and received by him for road purposes. The collection of road taxes is regulated and the privilege of working out a part of said road tax is accorded, five days' notice of the time and place for its performance being given.

The grade of road is regulated, and provision made for filling vacancy in board of road supervisors, also for reporting annually to the secretary of the department of agriculture of the whole amount of money raised during the preceding year by taxation for road purposes.

Section 17 declares that it shall be unlawful for any road supervisor to be interested either directly or indirectly in any work done, purchase made, or contract relating to roads and bridges, or the furnishing of any materials therefor. Violation, a misdemeanor, subject to fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Road supervisors, masters, or contractors failing or neglecting to carry out the provisions of this act shall be subject to a fine not exceeding \$50.

Escape of convicts.—An act in relation to aiding an inmate of any of the State institutions of this Commonwealth to escape. (No. 163, p. 201, approved June 23, 1897.)

By this act aiding inmates of penal and other institutions within the State of Pennsylvania to escape is prohibited; also furnishing disguises, clothes, instruments, or arms to facilitate such escape. Violation, a misdemeanor: Penalty, fine not exceeding \$50 and imprisonment in county jail not exceeding three months, or both, with costs of prosecution.

NOTE.—Above act modifies "aiding of prisoner to escape." Digest, p. 1197, section 258, prescribing a penalty not exceeding two years at hard labor, or if escape be from an officer, a fine not exceeding \$500 and imprisonment not exceeding two years at hard labor.

Adulteration of cheese.—An act to prevent fraud and deception in the manufacture and sale of cheese, and defining what shall constitute the various grades of cheese; providing rules and regulations for making and branding the same; provid-

ing for the enforcement of this act, and prescribing penalties for its violation. (No. 164, p. 202, approved June 23, 1897.)

Section 1 prohibits the manufacture or sale of cheese not the legitimate product of pure, unadulterated milk or cream, or any cheese into which foreign substances have been introduced, as may appear upon proper tests.

Section 2 regulates the grading of cheese and the branding of the same.

Section 3 declares that every person, firm, or corporation who shall violate any of the provisions of this act shall forfeit a sum of from \$50 to \$100, together with all charges and expenses of analysis. The dairy and food commissioner is charged with the enforcement of this act, and is authorized to enter any building or factory where cheese is sold or manufactured or exposed for sale, and he shall have the right to take samples sufficient for analysis.

Practice of dentistry.—An act to establish a dental council and a State board of dental examiners; to define the powers and duties of said dental council and said State board of dental examiners; to provide for the examination and licensing of practitioners of dentistry; and to further regulate the practice of dentistry. (No. 170, p. 206, approved July 9, 1897.)

Sections of this act provide for the establishment of the dental council of Pennsylvania, regulate the organization of the same, and define the duties of the board of dental examiners relative to the examination of applicants or licensing to practice dentistry in the State, and the issuing of licenses.

Any person violating any of the provisions of this act guilty of a misdemeanor: Penalty, fine from \$50 to \$200 for each offense. Formerly, fine not exceeding \$100 for each offense.

Bounty on wild-cats, foxes, etc.—An act for the destruction of wild-cats, foxes, and minks in this Commonwealth, and providing for the payment of bounties on the same; fixing officers' fees; and fixing a penalty for the violation of the same. (No. 186, p. 233, approved July 9, 1897.)

Sections of this act provide for the destruction of wild-cats, foxes, and minks by paying bounty of \$2 for every wild-cat, \$1 for every fox, and 50 cents for every mink so destroyed, and regulates the action by which said bounty shall be obtained.

Any person fraudulently collecting any premiums provided in this act, or assisting in any official capacity in the same, is declared guilty of a misdemeanor: Penalty, not exceeding \$500 and imprisonment in county jail not exceeding one year; both, or either, at the discretion of the court.

Monthly reports by tax collectors.—An act requiring the tax collectors of the several boroughs and townships of this Commonwealth to make monthly returns of the taxes collected by them and to the amounts outstanding upon their respective duplicates to the several authorities legally authorized to receive the said taxes, and to borough councils, and to pay over the monthly amounts so collected by them, and providing a penalty for the violation of the same. (No. 195, p. 242, approved July 9, 1897.)

Sections of this act declare that the tax collectors of the several boroughs and townships and all other tax collectors in the State of Pennsylvania shall make monthly returns in writing to the several persons to whom the tax collector by said tax collected is by law required to be paid, and shall pay over to the said persons to whom by law the said taxes are made payable the amounts so collected, less the commission or fees, to which they are by law entitled for the collection of the same. Failure by any tax collector to comply with the requirements of this act shall be a misdemeanor: Penalty, fine not exceeding \$100.

NOTE.—New features: (1) Concerning monthly reports to be made by collector; (2) penalty prescribed for violation.

Compulsory education.—An act to amend sections 1, 2, 3, 4, and 5 of an act entitled "An act to provide for the attendance of children in the schools of this Commonwealth, and making an enumeration of children for that purpose; also providing compensation for the assessors making the enumeration, and providing penalties for the violation of this act," approved May 16, 1895. Increasing the age within which children shall be subject to its provisions to 16 years, and making certain exemptions; subjecting principals and teachers to certain penalties; conferring upon the directors, or comptrollers, power to designate the schools for those who fail to attend school; to establish special schools for truants and other offenders; providing for the restraint of truants and other offenders, and for registration by the attendance officers, and report of absentees from school. (No. 199, p. 248, approved July 12, 1897.)

As amended, section 1 defines the duties of parents or guardians relative to sending children to a day school in which the common English branches are taught, and

regulates the time that children shall attend school, certain provisions being made for exemption.

Section 2, as amended, declares that for every neglect of duty imposed by section 1 of this act, the principal, teacher, or person in parental relation offending, shall be guilty of a misdemeanor and subject to fine not exceeding \$2 on the first conviction and not exceeding \$5 for each subsequent conviction, provided that before such penalty shall be incurred the person liable shall be notified in writing by the secretary of the school board or the attending officer of such liability.

Section 3 as amended provides for the employment of attendant officers and defines their duties; also for the establishment and maintenance of special schools for habitual truants, commitments for the same being regulated.

Section 4 as amended provides for the listing of children between the ages of 6 and 21 years, which list shall be returned to the county commissioners, who shall certify the same to secretary of school district, and lists shall be furnished to the principal or teacher of each school.

Section 5 as amended declares that it shall be the duty of each teacher in the school district to report at the end of each month the names of all children on the list who have been absent five days without lawful excuse, and if it shall appear that any parent or guardian shall have failed to comply with the provisions of this act proceedings against the offending party shall be instituted.

Fraudulent voting.—An act to amend section 120 of an act entitled an act relating to elections of this Commonwealth, approved July 2, 1839, so as to increase the penalty for fraudulent and illegal voting and aiding and abetting the same. (No. 202, p. 257, approved July 12, 1897.)

The amended section declares that if any person shall vote at more than one election district or fraudulently vote more than once, on the same day, or fold and deliver to the inspector two tickets together, or vote the same, or advise and procure another so to do, he shall be subject to fine from \$50 to \$500 and imprisonment for a term not exceeding five years.

NOTE.—Former penalty fine from \$50 to \$100 and imprisonment from one to three years.

Fraudulently voting.—An act to amend section 119 of an act entitled an act relating to the elections in this Commonwealth, approved July 2, 1839, so as to increase the penalty for fraudulent and illegal voting and aiding and abetting the same. (No. 205, p. 261, approved July 14, 1897.)

The amended section declares that if any person not by law qualified shall fraudulently vote at any election or shall vote out of his proper district, or if any person knowing the want of such qualification shall aid such person to vote, he shall be subject to fine not exceeding \$500 and imprisonment for term not exceeding five years.

NOTE.—Formerly the penalty was fine not exceeding \$200 and imprisonment not exceeding three months.

Forbidding policemen and constables to accept fees, etc.—An act to regulate the remuneration of policemen and constables employed as policemen throughout the Commonwealth of Pennsylvania and prohibiting them from charging or accepting any fee or other compensation in addition to their salary, except as public rewards and mileage for traveling expenses. (No. 209, p. 266, approved July 14, 1897.)

Sections 1 and 2 declare that a fixed salary shall be paid to policemen and constables, who shall not accept any other fee except as stated in the act. Violation a misdemeanor: Penalty, fine not exceeding \$50 and costs or imprisonment not exceeding thirty days, or both.

NOTE.—New features: (1) Respecting acceptance of public rewards and mileage; (2) prohibiting acceptance of other fees; (3) penalty for violation.

Political assessments, etc.—An act to prohibit assessments of and demands for contributions from the officers and employees of this Commonwealth and of any county or city therein, and providing penalties therefor. (No. 217, p. 275, approved July 15, 1897.)

By this act assessing employees for political purposes is prohibited; also making any demand for the payment of money or other valuable thing for any political or party purposes. Violation, a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding one year.

NOTE.—Former penalty was fine not exceeding \$100.

Poll taxes.—An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector

against whom such tax is assessed, except upon the written and signed order of such assessed collector, and prescribing penalties. (No. 218, p. 276, approved July 15, 1897.)

Sections of this act prohibit the payment of poll tax for other persons; also receiving poll tax from persons other than those against whom taxes were assessed; also voting or attempting to vote at any election upon a tax receipt obtained in violation of this act. Violation, a misdemeanor: Penalty, fine not exceeding \$200 or imprisonment from twenty days to six months.

Weighing of bituminous coal.—An act requiring the weighing of bituminous coal before screening and providing a penalty for the violation thereof. (No. 224, p. 286, approved July 15, 1897.)

By this act the screening of bituminous coal before weighing is prohibited, and any owner, lessee, or operator of any bituminous coal mine violating the provisions of this act is declared guilty of a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment not exceeding ninety days, or both.

NOTE.—New in application specifically to bituminous coal. Former penalty, fine not exceeding \$100, with restitution of amount of coal docked the miner.

Regulating the employment of miners.—An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth and to provide for the examination of persons seeking employment as miners in the anthracite region and to prevent the employment of incompetent persons as miners in anthracite coal mines and providing penalties for a violation of the same. (No. 225, p. 287, approved July 15, 1897.)

Section 1 prohibits the employment of miners in any anthracite coal mine without certificate of competency and qualification from the miners' examining board which is hereby established in each of the eight inspection districts in the anthracite coal region. The organization of said boards is regulated and provision made for the meeting of the several committees thereof, but in no case shall a meeting be held in a building where any intoxicating liquors are sold. The examination and registration of miners is regulated; also the issuing of certificates of competency to qualified miners, which are declared nontransferable. Persons are prohibited from engaging or employing miners without certificates. Violation, a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from thirty days to six months, or both. The miners' examining board shall investigate all complaints and prosecute all persons offending against this law.

NOTE.—New features: (1) Concerning holding meeting where liquors are sold; (2) requiring registration. Former penalty, fine not exceeding \$100.

Protecting public schoolhouses (No. 54, p. 76, approved May 19, 1897).—Makes it unlawful to break into public schoolhouses or to damage any property therein. Violation, a misdemeanor: Penalty, fine not more than \$100 or imprisonment in county jail not more than six months.

Tunnels and underground passages (No. 220, p. 277, approved July 15, 1897).—Amends act providing for the incorporation of companies for the construction and maintenance of tunnels or underground passages.

Section 2, clause 5, provides a penalty of \$10 for demanding any greater tolls than are prescribed in the exhibit of tolls.

NOTE.—Wording of clause amended; penalty remains the same.

Transportation for soldiers (No. 256, p. 322, approved July 22, 1897).—Provides transportation to and from Chattanooga, Tenn., at the time of the dedication of the monuments of the Pennsylvania regiments and batteries.

Section 5 forbids any person to personate a soldier in order to secure transportation. Violation, a misdemeanor: Penalty, fine not more than \$100 or imprisonment not more than one month, or both.

RHODE ISLAND.

1897.

Offenses at common law.—Every act and omission, which is an offense at common law, and for which no punishment is prescribed by this title, may be prosecuted and punished as an offense at common law. Every person who shall be convicted of any such offense at common law shall be imprisoned for a term not exceeding one year, or be fined not exceeding \$1,000. (General Laws, 1896, p. 1013, chap. 284, sec. 1.)

Breaking and entering railroad cars (chap. 454, p. 29, passed May 14, 1897).—Amends section 10, chapter 279, of the General Laws, adds thereto the following words: "And every person who shall at any time break and enter any railroad car or break any lock or seal thereon with intent to commit larceny or other crime shall be imprisoned not exceeding two years.

Offenses against chastity, morality, and decency (chap. 455, p. 30, passed May 14, 1897).—Forbids the importing, printing, selling of obscene prints, books, pictures, etc.: Penalty, imprisonment not exceeding two years or by a fine from \$100 to \$1,000, one-half of the fine to go to complainant.

NOTE.—Amends chapter 281 of the general laws. The penalty has been raised by one year imprisonment and the maximum fine increased from \$500 to \$1,000.

Width of tires (chap. 456, p. 30, passed May 18, 1897).—Regulates the width of tires upon vehicles using the highways of the State. The width of the tires shall be proportioned to the width of the axle. The axle measurements and the tires corresponding are indicated. Vehicles provided with new wheels after the 1st day of April, 1898, must conform to these proportions, and after April 1, 1892 no vehicle shall be driven or used on any highway in the State unless it conforms to the law.

The act does not apply to fire apparatus, tramways, or carriages with rubber tires. Penalty, \$10 to \$20 for each offense.

Boarding and keeping of infants (chap. 464, p. 36, passed May 20, 1897).—An act to provide for licensing and regulating the receiving, boarding, and keeping of infants. Any person other than an overseer of the poor of any city or town, the managers of any State institution, any charitable institution incorporated by law within this State, or any duly authorized officers or agent of the same, who receives, boards, or keeps for hire, gain, or reward any infant under the age of 2 years not related by blood or marriage to, or not legally adopted by, or not legally committed by order of any court to such person, shall, unless licensed in writing by the board of State charities and corrections, be punished by a fine not exceeding \$100 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Section 2 authorizes the State board of charities and correction to grant or revoke such license; no license to be granted until the application is approved in writing by the board of health of the city or town in which the licensee proposes to receive such infants. Authority is given to the board of State charities and correction and the Rhode Island Society for the Prevention of Cruelty to Children and the board of health of cities and towns for the inspection of such premises.

Section 3 provides that licenses shall be granted for a year, and prescribes the nature and condition of such license. Also (sec. 4) for a record by the licensee.

SEC. 6. Any person licensed as aforesaid receiving an infant, as described in section 1, shall within two days give notice to the board of State charities and correction of such reception, with the name, age, and residence of such infant and of its parents and of the person so placing and receiving such infant so far as known to the person giving such notice.

SEC. 7. Any violation of sections 4 and 6 relating to the record and notification of the board of charities and correction shall be punished by imprisonment in the house of correction not exceeding one year or by a fine not exceeding \$100, or by both.

The practice of dentistry (chap. 470, p. 43, passed May 21, 1897).—Amends chapter 155 of the general laws.

Section 4 formerly exempted certain persons from examination as dentists. Hereafter all persons intending to practice in this State must submit to such examination by the board of registration in dentistry.

Section 5 permits a reexamination in case of failure.

Section 6 of chapter 155 is amended so that the opening or maintaining of a dentist's office, the displaying of a dentist's sign or doorplate, or advertising by cards, circulars, or posters, or in the public prints of a readiness to practice dentistry shall, if the person is not registered, be evidence of violation of the law.

The penalty remains the same, namely, misdemeanor and fine of \$50 to \$100 for each offense.

Wrongs to children (chap. 475, p. 48, passed May 21, 1897).—Amends chapter 115 of the general laws, treating of wrongs to children.

Section 4, which forbids children under 16 years of age to be employed as gymnasts, acrobats, etc., is strengthened so as to include bicycle riding, dancing, theatrical or musical exhibitions, or to be employed in picking rags or collecting cigar stumps, bones, or refuse from markets, or in begging or in any mendicant or wandering occupation.

The penalty remains the same, viz, misdemeanor, imprisonment not exceeding one year or fine not exceeding \$250, or both, and shall forfeit right to the custody of the child.

Section 6 extends to the agents of the Rhode Island Society for the Prevention of Cruelty to Children the authority given to the police of any city to seize and detain such child and hold him as a witness and for placing him in the care of certain societies, or placing him in a family where he may be properly brought up.

A new amendment to section 7 provides that all expenses attending the proceedings taken by said society for the prevention of cruelty to children shall be paid by the town or city in which the child belongs.

Pollution of water supply (chap. 491, p. 65, passed April 27, 1897).—Section 1 forbids any person to discharge sewers, drainage, or refuse into any stream, pond, or reservoir used as a source of water supply by the city of Woonsocket: Penalty, fine \$20 and imprisonment ten days.

SEC. 2. The State board of health may order owners or occupants of premises where such polluting matter exists to remove the same. The penalty for neglect or refusal is \$20 for each day it continues.

SOUTH CAROLINA.

1897 and 1898.

Punishment of felony.—Where no special punishment is provided for a felony, it shall, at the discretion of the court, be by one or more of the following modes, to wit: Confinement in the penitentiary, or in a workhouse or penal farm (where such institution shall exist) for a period not less than three months nor more than ten years, with such imposition of hard labor and solitary confinement as may be directed. (Rev. Stat., Crim. Stat., Chap. VII, sec. 76.)

In every case in which imprisonment is provided as the punishment, in whole or in part, for any crime, such imprisonment shall be either in the penitentiary with or without hard labor, or in the county jail with or without hard labor, at the discretion of the circuit judge pronouncing the sentence. (Ib., sec. 79.)

In case of legal conviction, where no punishment is provided by statute, the court shall award such sentence as is conformable to the common usage and practice in this State, according to the nature of the offense and not repugnant to the constitution. (Sec. 78.)

NOTE.—Section 79 reads:

"Every person who shall be committed to any common jail in this State by any trial justice, for any offense or misdemeanor, having means or ability to do the same, shall bear his own reasonable charges for conveying or sending him to the said jail and the charges also of such as shall be appointed to and shall guard him to the said jail."

Disturbing religious meetings.—An act to amend section 390 of the criminal statutes, Revised Statutes, 1893, relating to disturbing religious meetings. (Nos. 2, 3, 4, p. 408, approved February 11, 1897.)

By this act it is declared that the disturbance of religious worship, or entering a religious meeting while in a state of intoxication, or selling liquors or using blasphemous, profane, or obscene language at or near the place of meeting, is a misdemeanor: Penalty, fine from \$20 to \$100 or imprisonment from thirty days to one year, or both.

Stealing boats.—An act to amend section 145 of Revised Statutes, Volume II, being section 2488 of the General Statutes, so as to give magistrates jurisdiction where the boat in question or the damages are under the value of \$20. (No. 249, p. 422, approved February 17, 1897.)

The amended section declares that the stealing of boats or any part thereof from any landing place of the value of \$20 or less shall subject to fine not exceeding \$100 or imprisonment not exceeding thirty days.

Concealed weapons.—An act prohibiting the carrying of concealed weapons, providing a penalty therefor, and incorporating a count for the violation of the same in indictments for murder, manslaughter, assault and battery of a high and aggravated nature, assault and battery with intent to kill, and in every case where the crime is charged to have been committed with a deadly weapon. (No. 251, p. 423, approved February 17, 1897.)

Section 1 prohibits carrying concealed weapons, and declares that violation is a

misdeemeanor, subject to penalty of fine from \$20 to \$100 or imprisonment from ten days to thirty days.

NOTE.—Former penalty was fine not exceeding \$200 or imprisonment not exceeding twelve months, or both.

Liability of common carriers.—An act to require all common carriers to pay all loss of or damages for loss, damage, and breakage of any articles shipped over their lines, or to refuse to do so within a certain time. (No. 273, p. 443, approved February 25, 1897.)

Sections of this act declare that common carriers shall pay, or refuse to pay, for all loss or damage of articles shipped over their lines within sixty days from the time a claim is made. Failure to pay within the time stated subjects to fine of \$50 for each offense, in addition to the amount of said loss or damage.

Regulation of commerce.—An act to make penal the doing of any act in this State by railroad companies doing business herein, their officers, agents, or employees, which violate any of the provisions of act of Congress entitled an act to regulate commerce, and the several acts amendatory thereof, and of the orders of the Interstate Commerce Commission issued thereunder, and to prescribe punishments therefor. (No. 278, p. 448, approved March 2, 1897.)

Section 1 declares it unlawful for railroads to violate the acts of Congress to regulate commerce.

Any corporation violating the act is declared guilty of a high misdemeanor: Penalty, fine from \$1,000 to \$5,000 for each offense, with forfeiture of charter and franchise.

SEC. 3. Any officer, agent, or employee engaged in any act of violation shall be guilty of a misdemeanor: Penalty, fine not exceeding \$1,000 or imprisonment not exceeding twelve months, or both.

SEC. 4. Every person taking part in any way in said violation, even in carrying out the orders of superior officers, shall be equally guilty of a violation of this act.

Laborers violating contracts.—An act providing punishment for laborers who violate either written or verbal contracts after having received supplies. (No. 286, p. 457, approved March 2, 1897.)

By this act it is declared that any laborer working on shares of crop or for wages in money, under verbal or written contract to labor on farm lands, who shall receive advances either in money or supplies, failing to perform the reasonable service required of him by the terms of said contract shall be liable to prosecution for a misdemeanor: Penalty, fine from \$25 to \$100 or imprisonment from twenty to thirty days.

County officers' accounts.—An act to require certain officers to keep an itemized account of their income by virtue of their office and to require them to make annual report of the same to the county supervisor. (No. 288, p. 458, approved March 2, 1897.)

Sections of this act declare that county officers shall keep itemized accounts of moneys received, which shall be open to public inspection during office hours, and that a copy of said account shall be filed with county supervisor. Non compliance with the provisions of this act is declared a misdemeanor: Penalty, fine from \$50 to \$200 or imprisonment in county jail from two to six months, or both. Certain counties are exempted from this.

Insurance.—An act to require any insurance company or association to be possessed of \$100,000 surplus, or in lieu thereof to have \$100,000 on deposit with some State for the benefit of all policy holders, or in lieu thereof to deposit with the treasurer of this State valid securities aggregating \$10,000, said securities to be subject to any judgment against said companies, and such judgments shall operate as a lien on such securities, and providing a penalty for the violation of the provisions of this act. (No. 290, p. 461, approved March 2, 1897.)

Sections 1 and 2 regulate the terms upon which insurance companies may do business in the State of South Carolina, security to be deposited with the State treasurer.

Violations of the provisions of this act subject to a fine from \$500 to \$1,000.

Banking companies.—An act to amend article 1, Chapter L, title 12, part 1, of the Revised Statutes of 1893, entitled "Banking companies." (No. 291, p. 462, approved March 2, 1897.)

The amended article defines the limitation of amount that may be borrowed by any person from a bank, and also the limitations of directors and other officers relative to borrowing from banks. Any director or other officer of any bank violating the provisions, as amended, shall be punished by fine or imprisonment, or both, at the discretion of the court.

Hours of labor for street railway employees.—An act to limit the hours of labor of certain employees of horse railway companies and electric companies and other street railway companies. (No. 294, p. 469, approved March 2, 1897.)

Sections of this act declare that horse or electric street railway companies shall not require their conductors or motormen or drivers to work more than twelve hours each day. Violation is declared a misdemeanor: Penalty, fine of \$100 for each offense; provided, however, that in cases of accident or unavoidable delay extra labor may be permitted for extra compensation.

Mileage of jurors and witnesses.—An act to declare the law relating to the mileage of all persons for the payment of whose traveled mileage provision is made by law. (No. 296, p. 471, approved March 2, 1897.)

Sections of this act declare that whenever provision is made by law for the payment of the mileage of jurors, witnesses, and other persons required to attend court, or to travel to perform any legal duty, said mileage shall be computed and paid for by the shortest practicable route to be traveled over any regularly established highway. Any officer giving false certificate of mileage traveled is declared guilty of a misdemeanor: Penalty, fine or imprisonment, or both, in the discretion of the court, in a sum equal to ten times the amount which the county may lose by reason of any payment for mileage in excess of that allowed by law.

Contractors failing to pay laborers.—An act to amend an act entitled an act to require contractors in the erection, alteration, or repairing of buildings to pay laborers, subcontractors, and material men for their services and material furnished, approved March 2, 1896. (No. 301, p. 487, approved March 2, 1897.)

As amended, it is declared that any contractor who shall, for other purposes than paying the money loaned upon said contract, expend and upon that account fail to pay all laborers out of the money received, shall be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$500 or imprisonment from three months to twelve months, when the consideration for such work and material shall exceed the value of \$100. If less in value than \$100 the fine shall not exceed \$100 and the imprisonment not exceed thirty days.

NOTE.—Former penalty was not limited by value as now.

Supervisors' reports.—An act to require the supervisors of the State to publish quarterly reports. (No. 313, p. 498, approved March 2, 1897.)

By this act supervisors of the State are required to publish a full statement of the claims audited by the county board of commissioners, which shall show the final number of the claim, the amount claimed, and the amount allowed. Failure to publish such report is declared a misdemeanor, punishable by fine or imprisonment, or both, at the discretion of the court. Certain counties are excepted from this law.

County officers receiving commissions on supplies.—An act making it a misdemeanor for any State or county officer to receive any rebate, commissions, or discounts from any person, persons, or corporation on purchases of books or any other property or supplies or from printing or advertising. (No. 331, p. 519, approved March 5, 1897.)

Violation of the above act, a misdemeanor: Penalty, fine or imprisonment, in the discretion of the court, with forfeiture of office.

Fraudulent misrepresentation.—An act to amend the act entitled an act to provide for the formation of certain corporations and to define the powers thereof, approved March 9, 1896. (No. 333, p. 522, approved March 5, 1897.)

The sections as amended declare that the charter for any and every corporation, except railroad, railway, tramway, turnpike, and canal corporations, shall be issued by the secretary of state, the requisites for said charters being regulated.

Any director causing fraudulent misrepresentation in the certificate required by this act shall be guilty of a misdemeanor: Penalty, fine not exceeding \$2,000 or imprisonment not exceeding two years, or both.

It shall be unlawful for any person to print or publish in any manner whatever not provided by law any income returns or any parts thereof, or the amount or source of income, profits, or expenditures appearing in any income returns. County auditor or officer violating these provisions is declared guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, with removal from office.

Traveling medicine venders.—An act to prevent traveling medicine venders from plying their vocation. (No. 337, p. 532, approved March 5, 1897.)

It is declared unlawful for any person to travel as a hawk or peddler from place to place in this State and to sell or offer for sale any medicine, drug, or compound to

be used as a curative. Violation a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding one hundred days.

Obstruction of navigation (No. 253, p. 426, approved February 17, 1899).—This amends an act approved December 17, 1894, "to prevent the obstruction of the navigation of rivers and harbors," etc., by adding a new section called section 1a, which declares, that in addition to the penalties prescribed in section 1, all timber dangerous to navigation may be captured and properly rafted to market and sold. One-half of the net proceeds over the expense of capturing and marketing to be paid to the county treasurer of a county in which such timber may be captured and the other half to the person capturing the same. This does not apply to logs occasionally drifting loose from a raft or stationary boom or to logs floated off by a sudden freshet.

NOTE.—See act of December 17, 1894.

Foreign insurance companies (No. 334, p. 527, approved March 5, 1897).—Provides for license fees on foreign insurance companies not incorporated under the laws of the State of South Carolina, except benevolent institutions operating under the grand lodge system.

Such companies are to make quarterly returns of gross receipts. Willful failure to do so or failure to pay a quarterly license fee shall, in addition to the penalty provided by law, forfeit its right to do business in this State and pay an additional penalty of 50 per cent of their actual gross receipts.

Tax on incomes (No. 335, p. 529, approved March 5, 1897).—Provided for a graduated tax on incomes.

SEC. 6. The penalty for failing to make returns or making false returns is 50 per cent addition for failure or neglect and 100 per cent for willfully fraudulent returns.

County auditors and other officers are forbidden to disclose the return, and it is made unlawful to publish them in any manner not provided by law. Violation of this section a misdemeanor, punishable by fine not exceeding \$500 and imprisonment not exceeding six months.

Supervisors' reports.—An act to amend section 4 of an act entitled an act to require the supervisors of the State to publish quarterly reports, approved March 2, 1897. (No. 451, p. 376, approved February 19, 1898.)

The section amended declares that the failure of any of the supervisors to publish the reports named shall be a misdemeanor, punishable by fine or imprisonment, or both, at the discretion of the court. Certain counties being exempted therefrom.

Road fund.—An act to amend an act entitled an act to apportion the road fund derived from the special county levy, approved February 17, 1897, by adding an additional section to be known as section 5. (No. 455, p. 738, approved January 29, 1898.)

The added section provides a penalty declaring that violation of the provisions of the act is a misdemeanor: Penalty, fine from \$5 to \$30 or imprisonment from ten to thirty days, or both.

State library.—An act to create the office of State librarian, to fix the salary and prescribe the duties thereof, to constitute a board of trustees for the State library and to designate the powers and duties thereof, to appropriate money for the use of the State library, and to make certain offenses herein specified a misdemeanor. (No. 476, p. 764, approved February 21, 1898.)

Sections of this act provide for the election of a State librarian, whose duties are defined, said librarian required to subscribe to oath of office and to enter into a bond with the State. A board of trustees for the State library is constituted, whose duties are defined.

Any person willfully embezzling, stealing, defacing, or in any manner destroying any book, document, or other property confided to the safe-keeping of the State librarian, or any person willfully violating any of the rules and regulations prescribed by the board of trustees for the management of said library, is declared guilty of a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding thirty days.

Commercial fertilizers.—An act to amend section 1299 (596) of Vol. I of the Revised Statutes of 1893 as to labels on commercial fertilizers. (No. 477, p. 767, approved February 23, 1898.)

The amended section provides for and regulates the branding of fertilizers, distinguishing three grades of the same, high grade, low grade, or standard, as herein designated, and any fertilizer ascertained by analysis not to contain the ingredients and percentage set forth as above provided shall be liable to seizure and condemnation.

Selling or receiving any commercial fertilizer without having labels and stamps as herein provided attached thereto subjects to fine of \$10 for each package sold or received.

NOTE.—New feature: Concerning the three grades designated.

To protect keepers of boarding houses and inns.—An act to protect keepers of boarding houses and inns. (No. 496, p. 792, approved February 21, 1898.)

By this act it is declared that procuring board by falsely making written representation that there is money due is a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding thirty days.

Officers of the peace for industrial corporations.—An act to authorize the appointment of officers of the peace having jurisdiction within industrial communities containing 100 inhabitants or more. (No. 497, p. 793, approved February 21, 1898.)

Sections of this act provide for the appointment of officers of the peace for industrial corporations, who shall have the powers of magistrates' constables and shall be conservators of the peace. Any person refusing to obey the summons of such officers shall be liable to indictment and prosecution as for a misdemeanor.

Adulteration of food and drugs.—An act to provide for the inspection of food, drugs, spirituous, fermented, and malt liquors, and to provide for the punishment for adulteration thereof. (No. 504, p. 803, approved February 19, 1898.)

Section 1 prohibits the adulteration or selling of the adulterated articles named in act. Violation, a misdemeanor: Penalty, fine not exceeding \$50 or imprisonment not exceeding fifteen days for the first offense, and for each subsequent offense fine not exceeding \$100 or imprisonment for thirty days.

The meaning of the word "food" and the word "drug" is defined, and what adulterated drugs, food or drink, or liquors are deemed to be is stated.

The State board of health is charged with the enforcement of this act, and it shall prepare rules and regulations for collecting and examining the articles mentioned. Persons offering certain articles for sale must furnish samples for analysis when demanded. Hindering or obstructing any inspector or analyst in the performance of his duty is declared a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding sixty days.

Arresting criminals without warrant.—An act to authorize sheriffs and deputy sheriffs of the State to arrest criminals without warrant in certain cases. (No. 507, p. 808, approved February 19, 1898.)

Makes it lawful for the sheriff and deputy sheriffs of the State to arrest without warrant any and all persons who, within their view, violate any of the criminal laws of this State, provided such arrest be made at the time of the violation of such law or immediately thereafter.

Arrest of felons.—An act to amend section 1 of the Criminal Statutes of South Carolina, Volume II of the Revised Statutes of 1893, relating to the arrest of a felon. (No. 508, p. 809, approved February 19, 1898.)

As amended it is declared that, upon view of a felony committed or upon certain information that a felony or larceny has been committed, any person may arrest the felon or thief and take him to a judge or magistrate, to be dealt with according to law.

Embezzlement of public funds a felony.—An act to make the embezzlement of public funds a felony and to fix the punishment thereof. (No. 511, p. 810, approved February 16, 1898.)

By this act it is declared that the embezzlement of public funds is a felony, punishable by fine and imprisonment, at the discretion of the court, which shall be proportionate to the amount of the embezzlement. The party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in the State.

Trespass.—An act to amend section 176 of the Criminal Statutes of South Carolina, in Volume II of the Revised Statutes of 1893, relating to entry on lands of another. (No. 512, p. 811, approved February 2, 1898.)

The amendment declares that every entry upon the lands of another, after notice as herein prescribed, shall be a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment with hard labor on the public works of the county not exceeding thirty days.

NOTE.—The former penalty omitted hard labor.

Attempt to poison.—An act to amend section 121 (2466) of Criminal Code of the Revised Statutes, 1893, relating to attempt to poison. (No. 513, p. 812, approved February 29, 1898.)

The amendment declares that administering or attempting to administer, or in any way assisting or causing any person to take poison with intent to kill, is a felony: Penalty, imprisonment in penitentiary from two to ten years.

Emigrant agents.—An act to prohibit emigrant agents from plying their vocation within this State without first obtaining a license therefor, and for other purposes. (No. 514, p. 812 approved February 11, 1898.)

Sections of this act declare that no person shall carry on the business of an emigrant agent in the State of South Carolina without first obtaining a license from the State treasurer. Violation, a misdemeanor: Penalty, fine from \$500 to \$5,000, or imprisonment in county jail not less than four months, or in State prison at hard labor not exceeding two years.

Leaving gates open.—An act providing for the erection and maintenance of gates across public highways at certain points and for the punishment of certain persons failing to close the same. (No. 517, p. 816, approved February 19, 1898.)

Leaving open gates across public highways is declared a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding thirty days.

Water gates on the Enoree River.—An act to relieve against the obstructions on a certain part of Enoree River and certain of its tributaries. (No. 611, p. 963, approved February 16, 1898.)

Sections of this act provide for the erection of water gates on the Enoree River, which shall be opened at certain times herein stated. Violation, a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment thirty days for first offense; and for second offense fine or imprisonment at the discretion of the court.

Telephone Rates (No. 485, p. 779, approved February 21, 1898).—Prohibits unreasonable discrimination by telephone companies doing business in the State in the rates at which they furnish telephones and telephone service to their patrons in different localities.

SEC. 2. Any telephone company violating provisions of this act shall pay and forfeit to each of its subscribers when it charges such high rate double the difference between the rates so unlawfully charged and the rate which should be charged according to the provisions of section 1 of this act, to be recovered by suit in any court of competent jurisdiction.

Taxes (No. 525, p. 823, approved February 16, 1898).—Relates to the tax levy for State purposes.

Section 16 makes it unlawful for any officer to make contracts in excess of the amount provided to be raised by the levies. Violation, a misdemeanor. And contracts so made shall be void.

Taxation (No. 441, p. 713, approved February 18, 1898).—Provides for the taxation of telegraph, telephone, palace-car, sleeping-car, and various other express and transportation companies.

SEC. 11. In case of refusal of such associations to pay tax an action may be prosecuted and the judgment in said action shall include a penalty of 50 per cent of the amount of taxes as assessed and unpaid, together with reasonable attorney's fees for the prosecution of such action.

Pollution of water (No. 591, p. 934, approved February 19, 1898).—Incorporates the Charleston Light and Water Company.

Section 9 forbids any person to divert or corrupt the water taken by said company or to injure its property. Violation, a misdemeanor: Penalty, fine not exceeding \$500 and imprisonment not exceeding one year, at the discretion of the court, and any such person shall forfeit double the amount of damages sustained by such injury.

General railroad law.—An act to amend sections 1717, 1731, 1732 of the general railroad law, chapter 51, relating to certain offenses and penalties. (No. 482, p. 776, approved February 19, 1898.)

Section 1731 as amended declares that whoever without right loiters in station houses or upon platform or ground adjacent to railroad stations after being requested to leave, by officer or employee, shall be guilty of a misdemeanor: Penalty, fine not exceeding \$50, or imprisonment in county jail, or be required to work on a chain gang, not exceeding thirty days.

NOTE.—Formerly the penalty was forfeiture from \$2 to \$20.

Section 1717 as amended defines the police powers of conductors and station agents.

Section 1732 as amended declares that whoever fraudulently evades the payment

of any toll or fare lawfully established, or rides without permission on trains that do not carry passengers, shall be guilty of a misdemeanor: Penalty as above.

NOTE.—Formerly penalty was forfeiture of from \$5 to \$20.

An additional section, numbered 1734a declares that whoever discharges any kind of firearms or throws any kind of missile into the engine or car of a train shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500, or imprisonment not exceeding five years.

Separate coaches for white and colored passengers.—An act to require all railroads and railroad companies operating trains and doing business in this State to provide and operate separate coaches or separate apartments in coaches for the accommodation and transportation of white and colored passengers in the State. (No. 483, p. 777, approved February 19, 1898.)

Section 1 declares that railroads shall furnish separate coaches for white and colored passengers, provided that equal accommodation shall be supplied to all persons without distinction of race or color. Violation subjects to penalty of fine from \$300 to \$500.

The provision of this act shall not apply to nurses on trains, nor to narrow-gauge roads, nor to relief trains in case of accident, nor to through vestibule trains, nor to officers and guards transporting prisoners, nor to prisoners being so transported. In case the coach for either white or colored passengers should be full and another coach can not be procured at the time, authority is given to set apart so much of the other coach as may be necessary to accommodate the passengers on said train, and there shall be in addition to the first-class coaches a second-class car, in which it shall be lawful for any and all persons to ride by paying second-class fare.

Railroads to post schedules of rates.—An act to make railroad corporations liable to a penalty for failure to post the schedule of rates as provided in section 1657 of the Revised Statutes of 1893. (No. 510, p. 810, approved February 21, 1898.)

The penalty for violation of the above is fine of \$100 for each and every day in which the corporation shall fail to post said schedule.

Unlawfully operating competing railroad.—An act to provide a penalty on railroad companies owning, leasing, or operating competing railroad lines within this State, and to provide for the recovery thereof. (No. 307, p. 492, approved March 2, 1897.)

By this act it is declared that any railroad company owning, leasing, or operating competing railroad lines within the State of South Carolina in violation of law shall be subject to a penalty of \$100 for every day that such competing lines are owned, leased, or operated.

Operating abandoned railroads.—An act providing for the operation in this State of abandoned or unused railroad property, and to require the owners or purchasers of such railroads in this State within a certain State to organize, and to provide a penalty for failing to operate such railroads. (No. 338, p. 533, approved March 5, 1897.)

It is declared that owners of abandoned railroads shall begin operations within sixty days from their purchase or acquisition thereof. Failure to comply with these provisions subjects to fine of \$50 per day for each and every day said railroad fails to be operated.

Railroad depots (No. 245, p. 418, approved February 17, 1897).—The railroad commissioners of the State are authorized to require all railroads at junctional points in this State to erect union or other depots for the convenience and accommodation of the public. And if any railroad company shall fail or refuse so to do when required by the State railroad commissioners it shall forfeit and pay a sum of not less than \$5,000, to be recovered in an action in any county in this State where such violation has occurred, and shall be in the name of the State of South Carolina. The commissioner shall institute such action through the attorney-general or any of the solicitors of the State.

Intoxicating liquors.—An act to amend an act entitled an act to provide for the election of a State board of control and to further regulate the sale, use, consumption, transportation, and disposition of intoxicating and alcoholic liquors or liquids in the State, and prescribe penalties for violation of the dispensary laws and to police the same, approved March 6, 1896, so as to regulate the importation of liquors for personal use. (No. 340, p. 535, approved March 5, 1897.)

Section 1, as amended, provides for testing all liquor imported into the State of South Carolina by the chemist of the South Carolina College, and if found not to be pure and free from any poisonous or deleterious matter the same shall be seized and

confiscated. It is declared unlawful to use certificate granted for more than one importation of liquor. Counterfeiting said certificate, or making any false statement to obtain the same, is declared a misdemeanor: Penalty, fine \$100 to \$1,000, or imprisonment from thirty days to twelve months. And any persons convicted of unlawfully selling liquor imported under the provision of this section shall suffer double the punishment provided for a sale in violation of other provisions of this act.

The manufacture, sale, or keeping of spirituous liquors, except as herein provided, is prohibited, under a penalty of fine from \$100 to \$500, or imprisonment at hard labor in State penitentiary from three to twelve months, or both.

Section 2 as amended provides for the election of a State board of control to carry out the provisions of this act, and they shall purchase all liquors for a lawful sale within the State, and shall have the same tested and declared to be pure as hereinbefore and hereinafter provided.

Section 3 as amended provides for the appointment of a commissioner who shall, under rules and regulations made by the State board of control, furnish all intoxicating liquors for lawful sale in this State to such persons as may be designated as dispensers thereof. The duties of such commissioner are still further regulated and defined.

Any package containing liquors which shall be shipped from place to place within this State, or delivered to the consignee by any railroad, express company, or other common carriers, or be found in the possession of any common carrier, without certificate of test as herein provided, shall be regarded as contraband, and may be seized, the carrier being liable to penalty of \$500 for each offense; and any person using certificate without authority of the State board of control, or any counterfeit of the same, for the purpose of securing the transportation of any intoxicating liquors within this State in violation of law shall be punished by fine not less than \$500 and imprisonment in the penitentiary not less than one year.

NOTE.—This embraces legislation of 1896. New features: (1) Test of State chemist required; (2) counterfeit of certificate subject to penalty; (3) selling without chemist's certificate subject to double punishment for violation of act; (4) remissions subjects to penalty.

Regulates manufacture and sale of liquor.—An act to amend an act entitled an act to amend section 15 of an act entitled an act to provide for the election of the State board of control, and to further regulate the sale, use, consumption, transportation, disposition of intoxicating and alcoholic liquors, etc., approved March 5, 1897, to prevent the manufacture and distilling of such liquors within 2 miles of any church or public school. (No. 505, p. 805, approved February 21, 1898.)

As amended, the manufacture, sale, and barter of liquors without a permit or license is prohibited; such permit or license not to be granted to any person within 2 miles of any church or public school, and to distillers only on petition signed in person by a majority of the resident freeholders where it is proposed to locate the distillery. Violations of the terms of the license authorizes the seizure of the product on hand at any distillery or place where liquors containing alcohol are manufactured. Every package, barrel, or bottle of such liquor shipped beyond the limits of this State shall have thereon the certificate of the State board of control allowing the same; otherwise it shall be liable to confiscation, and the railroad conveying it shall be punished as in section 3.

The inspector appointed shall have right to enter and examine any distillery, brewery, or place where liquors are manufactured within this State. Refusal to allow the inspector to enter and examine subjects to forfeiture of permit or license.

Sale of liquors near Cattle Creek Camp Ground.—An act to incorporate Cattle Creek Camp Ground, of Orangeburg County. (No. 589, p. 929, approved February 21, 1898.)

Sections of this act provide for the incorporation of Cattle Creek Camp Ground, of Orangeburg County, and authorize the governor to appoint a special constable to have jurisdiction upon the lands and premises of the same camp ground. The sale of intoxicating liquors within 2 miles of said camp ground is prohibited, and whoever shall be found guilty of violating this provision shall be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$500 and imprisonment at the discretion of the court.

Traffic in seed cotton.—An act to amend the act entitled an act to regulate the traffic in seed cotton in the counties of Abbeville, Aiken, Sumter, York, Edgeville, Berkeley, Kershaw, Richland, Orangeburg, Charleston, Chester, and Union, approved December 19, 1887. (No. 350, p. 614, approved February 17, 1897.)

As amended, the traffic in seed cotton by purchase, barter, or exchange without license, as herein regulated, is absolutely prohibited in counties named. Violation a misdemeanor: Penalty, fine not exceeding \$100 or imprisonment not exceeding thirty days.

Seed cotton in certain counties.—An act to amend an act entitled an act to amend the act entitled an act to regulate the traffic in seed cotton in the counties of Abbeville, Aiken, Sumter, York, Edgefield, Berkeley, Kershaw, Richland, Orangeburg, Charleston, Chester, and Union, approved December 19, 1897. (No. 515, p. 813, approved February 19, 1898.)

As amended the traffic in seed cotton in certain counties is regulated by requiring license to be issued in Charleston County for the purchase, barter, or exchange of said seed cotton. Traffic without such license is declared a misdemeanor: Penalty, fine from \$50 to \$100 or imprisonment from twenty to thirty days.

NOTE.—Formerly the penalty was fine not exceeding \$100 or imprisonment not exceeding thirty days.

Stock law, Kershaw County.—An act to amend section 1 of an act entitled an act to exempt certain portions of Kershaw County from the operations of the provision of chapter 27 of the General Statutes, relating to the stock law. (No. 499, p. 796, approved February 21, 1898.)

As amended the section exempts certain portions of Kershaw County from the operation of the general stock law, provided that the residents erect a fence around exempted sections to protect the land from incursions of all stock and animals named in said general stock law; said fence to be kept in repair by the county commissioners, who shall collect a tax therefor. It is declared unlawful for any person in said exempted section to plant or cultivate any crops which are not inclosed by a lawful fence. Violation, a misdemeanor: Penalty, fine not exceeding \$25 or imprisonment not exceeding thirty days. Good and substantial gates shall be placed on all public roads crossed by this fence. Penalty for leaving them open shall be the same as for leaving pasture fences down.

NOTE.—New feature: Penalty prescribed, also concerning gates.

Nests of certain birds.—An act to amend section 1694 of the General Statutes of 1882, appearing as section 432 of the Revised Statutes of 1893, Volume II, so as to prohibit the destroying of the nests of certain birds. (No. 518, p. 816, approved February 21, 1898.)

As amended, the section named prohibits catching, killing or injuring, selling or exposing for sale any wild turkey, partridge, quail, woodcock, or pheasant, or any doves, in the close season herein defined; also, catching or pursuing by firelight with intent to kill any of the birds named, or destroying or robbing the nests of any of the said birds. Violation, a misdemeanor: Penalty, fine not exceeding \$20 or imprisonment not exceeding thirty days.

Deer.—An act to amend an act entitled "An act to amend an act entitled an act to amend section 1687 of the General Statutes relating to the hunting of deer, approved December 24, 1886, and embraced in section 420 of the Revised Statutes, 1893, Volume II" approved March 9, 1896, so as to extend the time for hunting deer in Beaufort and Florence counties. (No. 520, p. 818, approved February 19, 1898.)

The amended section prohibits killing any deer or worrying them with dogs or otherwise, with intent to destroy them in the close season as herein defined. Certain counties where close season is otherwise defined being exempted. Violation subjects to fine from \$10 to \$20 or imprisonment from ten to twenty days.

Unlawful hunting at night.—An act to amend section 1692 of the General Statutes of South Carolina, being section 425 of Part V of the Revised Statutes of 1893, Volume II, relating to nonpayment of fines. (No. 523, p. 820, approved February 21, 1898.)

As amended, the section declares that if a fine imposed is not paid the offender shall be committed to common jail for a term not exceeding thirty days for unlawfully hunting with fire in the nighttime, and for the same term for violations of section 422 of this chapter.

NOTE.—New feature: Change in the time of detention; formerly three months for violation of section 425, two months for violation of section 422.

Terrapin and Oysters.—An act to protect terrapin and oysters within the State, to license the taking of the same, and to provide for the carrying out of the same. (No. 326, p. 512, approved March 5, 1897.)

Sections of this act prohibit engaging in the business of gathering oysters or catching terrapins within the limits of this State, for export or sale beyond the State, without license so to do from the treasurer of the county, the issue of said license being herein regulated. Violation of the provisions of this act is declared a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding one year.

Mongolian pheasant.—An act to protect the Mongolian pheasant. (No. 309, p. 493, approved March 2, 1897.)

It is declared unlawful to kill or injure any Mongolian pheasant under penalty of fine from \$5 to \$25 or imprisonment not exceeding thirty days, with labor upon the public works of the county.

Trusts and combinations.—An act to prohibit trusts and combinations and to provide penalties. (No. 265, p. 434, approved February 25, 1897.)

Section 1 prohibits all arrangements, contracts, or combinations between persons which tend to lessen full and free competition, or to control the price or cost to the producer or consumer of any product or article.

Sections 2 and 3 declare that the charter of a corporation violating this act shall be forfeited, and that any violation of the provisions is a conspiracy against trade, punishable by a fine from \$100 to \$5,000 and imprisonment in the penitentiary from six months to ten years, or either.

The injured party may recover damage for articles the sale of which is controlled by such combination or trust.

Trusts and Combinations (No. 487, p. 782, approved February 19, 1898).—Amends an act to prohibit trusts and combinations, approved February 25, 1897. As amended, it prohibits also all arrangements, contracts, agreements, trusts, syndicates, associations, or combinations that may lessen or affect in any manner the full and free competition in any tariff rates, tolls, premiums, or prices, or seeks to control in any way or manner such tariff rates, tolls, premiums, or prices in any branch of trade, business, or commerce.

Section 2 makes it the duty of the attorney-general, in case of violation, to bring action against such domestic corporation to forfeit its charter.

SOUTH DAKOTA.

1897.

Felony and misdemeanor defined.—A felony is a crime which is, or may be, punishable with death or by imprisonment in the State prison. Every other crime is a misdemeanor. (Statutes (1899), 7454, 7455.)

Punishment for felony.—Except in cases where a different punishment is prescribed by this code, or by some existing provision of law, every offense declared to be felony is punishable by a fine not exceeding \$1,000 or by imprisonment in the State prison not exceeding two years, or by both such fine and imprisonment. (7462.)

Punishment for misdemeanor.—Except in cases where a different punishment is prescribed by this code, or some existing provision of law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$500, or by both such fine and imprisonment. (7463.)

Elections.—An act to secure the secrecy of ballot and independence of voters at public elections. (Chap. 60, p. 165, approved March 5, 1897.)

Sections of this act deal with the printing and distribution of ballots; with nominations made by primaries or otherwise, and certification of same, and provide for filing certificate of nomination.

The style, form, printing, and distribution of ballots is regulated, and provision made for appointing judges of election whose duties relative to providing proper and sufficient polling booths, the appointment of ballot clerks, and furnishing instruction to voters, are determined.

Electors are advised as to the preparation and delivery of their ballots, and any elector who shall falsely make affidavit to any physical disability for the purpose of procuring assistance in the preparation of his ballot shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$100, or imprisonment not exceeding six months, or both fine and imprisonment.

Depositing any ballot other than that bearing the official stamp is declared a misdemeanor, and any ballot clerk who shall fail to account fully and particularly for all official ballots placed in his charge shall be guilty of a misdemeanor.

Fraudulent change in any manner of certificate of nomination is deemed a felony, and shall be punished by imprisonment in the penitentiary from one to five years.

Removing or destroying, or willfully defacing any list of candidates, or tearing down or defacing the cards printed for the instruction of voters, a misdemeanor: Penalty, fine not less than \$200.

Willful neglect of duty by any public officer upon whom any duty is imposed by this act, or doing anything herein prohibited, a misdemeanor: Penalty, fine from \$50 to \$500 or imprisonment from one to six months, or both fine and imprisonment with forfeiture of office.

Electioneering on election day within any polling place, or any building in which an election is being held, or within 50 feet thereof, or obstructing the doors or entries thereof is prohibited; also removing any ballot from the polling place before the closing of the polls, or showing ballot so as to reveal the contents thereof, or soliciting elector to show the same, or receiving ballot from any other person than one of the judges of election, or voting or offering to vote any ballot except such as is received from the judges of election; making false statement as to inability to mark ballot, or placing any mark upon ballot by which it may be identified. Violation of any of the provisions concerning electioneering, a misdemeanor: Penalty, fine not exceeding \$200 and shall stand committed to county jail until fine and costs are paid, not exceeding sixty days.

Any person may absent himself from any service or employment in which he is engaged for a period of two hours between the time of opening and the time of closing the polls without the loss of salary or wages for so doing. Refusal of such privilege to employee by any person or corporation, or subjecting employee to a penalty or reduction of wages because of the exercise of such privilege, or violating the provision of this act, is declared a misdemeanor.

SEC. 43. Any public officer upon whom a duty is imposed by this act, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects of this act, shall be punished by fine from \$100 to \$500, or imprisonment not exceeding one year, or by both fine and imprisonment.

Any person having charge of official ballots, who shall destroy, conceal, or suppress them, except as in this act permitted, shall be guilty of a felony and shall be punished by imprisonment in the State penitentiary from one year to three years.

NOTE.—Above act is substantially the same as chapter 57 of the laws of 1891. Penalties are unchanged.

Adulteration of food and drink.—An act to amend sections 2246, 2248, and 2249 of the Compiled Laws of 1887, the same being sections 1, 3, and 4, chapter 64, Session Laws of 1885, relating to adulteration of food and drink. (Chap. 65, p. 182, approved March 3, 1897.)

The amended sections prohibit the sale of any adulterated food or drink without making the same fully known to the buyer, or the manufacture for sale of such adulterated food or drink unless manufactured, used, or sold under its true and appropriate name and package or vessel containing same is so branded or marked.

The manufacture or sale of any article, produce, or compound made wholly or partly out of any fat, oil, or oleomargarine substance or compound thereof not produced from unadulterated milk or cream from the same, which shall be an imitation of butter produced from pure unadulterated milk or cream of the same, is prohibited.

Violation of above provisions, a misdemeanor: Penalty, fine from \$100 to \$200 or imprisonment from three months to six months.

NOTE.—Formerly the penalty was fine not exceeding \$50 or imprisonment not exceeding thirty days, or both, with seizure and destruction of articles sold.

Whoever furnishes or causes to be furnished in any hotel, restaurant, boarding house, or at any lunch counter oleomargarine or butterine to any guest or patron in place of butter shall notify said guest or patron that the substance so furnished is not butter, and any party so furnishing without such notice shall be punished by fine from \$10 to \$50 for each offense.

NOTE.—Formerly first offense forfeited \$100; second and subsequent offenses, \$200, with costs.

Game law.—An act for the protection of large game. (Chap. 66, p. 184, approved March 9, 1897.)

Sections 1 to 6 prohibit hunting, killing, or capturing in any way or manner or by any means or device within the State of South Dakota any buffalo, moose, elk, deer, antelope, mountain sheep, or mountain goat in and during the year 1900 and every fifth year thereafter under the age of 1 year; also hunting, killing, or capturing any female of the animals named prior to October 1, 1901.

The adult males and females of animals named may be taken only during the months of October and November in years not close years and under limitations and restrictions as follows: No person or persons hunting together shall kill or capture more than two of said animals in any one day, nor more than four in any one open season, nor more than one of the females of such animals in any open season in

which such females may be taken, nor have in possession at any one time the carcasses or parts of the carcasses of more than three of such animals, nor shall anyone use any dogs in running or coursing such animals.

It is declared unlawful to have in possession or to sell the carcasses of more than two of said animals named in any one year, and every hunter selling carcasses shall give to purchaser a certificate in writing stating when, where, and by whom animal was taken, its sex and weight, which certificate shall be preserved until the end of the year in which it was given and exhibited on demand to any game warden of the State. No other persons than the actual captors shall sell any carcass or parts of a carcass of any of said animals taken in this State, except shopkeepers, who shall not have in possession for sale the carcasses of more than four of such animals at any one time, nor sell the same at any other place than an open shop, where such animals shall be kept on open view; nor shall any such shopkeeper sell more than ten such carcasses in any one year. Said shopkeeper shall keep exposed to public view a certificate in writing showing when, where, and by whom each respective animal offered for sale was taken, with its weight and sex, which certificate shall be preserved until the end of the year in which it was made; and no such shopkeeper shall have in his possession any carcass or parts of carcass after December 20 in any year, nor shall he purchase any such after December 5 in any year. Violation of foregoing provisions shall be punished by fine from \$25 to \$100 for first offense, and for each subsequent offense by fine from \$50 to \$100 and imprisonment from thirty days to three months.

NOTE.—Formerly penalty for hunting and killing large game contrary to provisions was \$10 fine for each elk killed and \$100 for each deer, antelope, or mountain sheep.

SEC. 8. No keeper of a hotel, restaurant, or boarding house shall serve to his guests any game in this act mentioned during any of the period of time when the taking or killing of the same is prohibited, under penalty of fine of \$10 for each offense.

Section 9 prohibits transportation out of this State of any animal, either dead or alive, in this act mentioned. Any person or corporation violating any of the provisions of this section shall be punished by fine from \$100 to \$500 for each consignment.

NOTE.—Formerly the penalty was fine of \$50 for each carcass transported.

Section 10 declares that the fish commissioners shall be game wardens, and their duties are defined relative to enforcing the provisions of this act.

Section 11 deals with the proceedings of prosecution.

NOTE.—The above act so changes and enlarges former legislation as to be substantially new.

Illuminating oils.—An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oil. (Chap. 68, p. 189, approved March 9, 1897.)

Section 1 declares that all illuminating oils manufactured from petroleum or coal oil shall be inspected before being offered for sale, and that every person, firm, or corporation shipping into or manufacturing within the State such illuminating oils shall stamp or brand each and every package, barrel, or cask with the number or name of the grade of oil contained therein, and shall forward to the oil inspector an analysis of each and every grade of oil so shipped or manufactured, which must show the per cent of light and heavy oils in each grade when subjected to fractional distillation.

Section 2 provides for the appointment of a State inspector of oils, and defines his duties relative to examining and testing the quality of oils. Oil that is found to comply with requirements of examination and test may be branded as "Approved," and if not so complying shall be marked "Rejected for illuminating purposes." If any person shall sell or offer for sale such rejected oils for illuminating purposes he shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$300.

Section 3 provides for the appointment of deputy inspectors to assist the State inspector in his duties of inspection.

Sections 4 to 6, inclusive, deal with oath of office and execution of bond by State inspector and deputies, with fees for inspection, and salary of inspecting officers.

SEC. 7. Any person who shall sell any of the illuminating oils hereinbefore mentioned before having the same inspected as provided in this act shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$300. If any manufacturer or dealer in any of said illuminating oils shall falsely brand the package, barrel, or cask containing the same for the purpose of deceiving purchaser he shall be deemed guilty of a misdemeanor: Penalty, fine from \$100 to \$300 or imprisonment not exceeding six months, or both.

SEC. 8. Any person dealing in illuminating oils who shall sell or dispose of any empty barrel, cask, or package that has once been used for such oils and has been branded before canceling or removing the inspection brand, shall be deemed guilty of a misdemeanor: Penalty, fine of \$10 for each barrel, cask, or package thus sold or disposed of.

Section 9 prohibits the adulteration of illuminating oils specified in such a manner as to render them dangerous to use; also sale of the same. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding one year, or both fine and imprisonment.

SEC. 10. Gas or vapor from petroleum or any of its products may be used for illuminating purposes when the oils from which gas or vapor is generated are contained in closed reservoirs outside of the building lighted by said gas or vapor. Violation of these provisions, a misdemeanor: Penalty, fine not exceeding \$300 or imprisonment not exceeding one year, or both fine and imprisonment.

SEC. 11. Whoever shall sell any of the illuminating oils as specified in this act which are below 105° F. when tested shall be liable to person purchasing such oil, or any person injured thereby, for damage to property arising from any explosion thereof.

Section 12 prohibits State inspector or deputy inspector from dealing in any of the oils which he has been appointed to inspect. Violation of this provision shall subject the offender to fine not exceeding \$500, with removal from his position.

Section 13 defines the duty of State inspector and deputy inspector relative to entering complaint against person violating provisions of this act, and neglect of such duty is deemed a misdemeanor, subjecting to removal from official position.

NOTE.—New features: Concerning nature of test for illuminating oils.

Liquor law.—An act to provide for the licensing, restriction, and regulation of the business of the manufacture and sale of spirituous and intoxicating liquors. (Chap. 72, p. 203, approved March 3, 1897.)

Sections of this act deal with the amount of license to be paid upon the business of the manufacturing, selling, or keeping for sale brewed or malt liquors, or mixed liquors, and with the manner of procuring and granting said license, and with bond under which licensed dealers in liquors are required to carry on their business. Any person who shall engage in the business of selling liquor contrary to provision of his license or bond, or who shall violate any provisions of this act, is declared guilty of a misdemeanor: Penalty, fine from \$50 to \$500 and costs or imprisonment from ten to thirty days, or both; and in case fine shall not have been paid at the time imprisonment expires offender shall be further detained in jail until fine and costs have been fully paid. In addition to other penalties offender shall forfeit license and be precluded from continuing business for the remainder of the year or time from which said license was paid and be debarred from again engaging in business requiring payment of license.

The duty of the county treasurer, State attorney, and other officers is defined and regulated relative to complaint and prosecution of persons violating provisions of this act. Willful neglect of duty by any of the above-named officers subjects to penalty of fine of \$100 for each offense, and removal from office.

The sale of liquors to minors, to intoxicated persons, or when forbidden by proper authority, is prohibited.

Windows and doors of barrooms must be kept unobstructed, and no games of chance shall be allowed to be played in the room or place where intoxicating liquors are sold. Violation, a misdemeanor: Penalty, fine not less than \$50 or imprisonment not less than ten days, or both fine and imprisonment.

Section 13 declares it unlawful for any person who keeps a place where liquors are sold, except drug stores, to allow a minor to visit or remain in such place unless accompanied by father, mother, or guardian.

Section 14 provides for closing places where liquors are sold on Sunday, on all election days from 6 a. m. until 6 p. m., and on each week-day night between 11 p. m. and 5 a. m. of the succeeding day.

SEC. 15. Any person who shall violate any of the provisions of the two preceding sections shall be deemed guilty of a misdemeanor: Penalty, as now provided by law for the punishment of misdemeanors.

Places where liquors are sold shall be visited at least once in each week to learn if any of the provisions of this act have been or are being violated.

Section 20 prohibits the adulteration of spirituous or alcoholic liquors with any deleterious drug or substance, and any person who shall sell such spirituous or intoxicating liquors shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$500 and imprisonment from ten days to six months.

A city license for the sale of intoxicating liquors may be required in addition to the county license, and license may be refused if person presenting the same shall be of immoral character or shall be deemed unfit to carry on the business of selling intoxicating liquors.

Permits for the sale of intoxicating liquors at retail shall be granted only if majority of voters in city or township shall so determine for the ensuing year.

The application for city license is regulated and provision is made for giving receipt on payment of license fee.

SEC. 26. No person, firm, or corporation shall engage in the business of selling intoxicating liquors in the same block with or in any block adjacent to any public or private school, or within 200 feet of any church.

Section 27 declares that it shall be lawful for any registered pharmacist whose certificate of registration is in force to sell spirituous liquors for medicinal, scientific, mechanical, or sacramental purposes; and it shall be unlawful for him to sell any intoxicating liquors as a beverage. Any registered pharmacist who shall sell liquors for purposes herein mentioned shall have a stock of drugs of the value of not less than \$600, exclusive of the fixtures and liquors. Any registered pharmacist who shall sell or dispose of intoxicating liquors for other purposes than herein authorized shall be punished by fine from \$100 to \$300 for first offense; and for second offense shall forfeit his registration as a registered pharmacist and be liable to all penalties against persons selling without authority.

Artesian wells.—An act amending chapter 14, Session Laws of 1889, entitled an act to provide for sinking artesian wells and construction of water courses therefrom. (Chap. 74, p. 218, approved March 9, 1897.)

As amended the sections of this act authorize supervisors of townships to have exclusive control of artesian wells and the ditches and waterways therefrom; also power to make rules and regulations for the management and control of the wells, provided that they shall not unnecessarily impair the rights of those who have been specially assessed for the sinking of the same. Whenever the proper board of supervisors shall have made any rule or resolution touching the control or management of the wells, ditches, waterways, or water therefrom and shall have notified the persons interested, either by written notice or by posting such rules and regulations for ten days in four public places in the township, any person violating any such rule or regulation shall be deemed guilty of a misdemeanor: Penalty, fine from \$10 to \$50 or imprisonment not exceeding thirty days, or both fine and imprisonment.

All contracts made for the sinking of such wells are hereby ratified and legalized.

Storage of water.—An act entitled an act to provide for the saving and storing of the surface waters of the State of South Dakota, and to preserve the same for public use. (Chap. 75, p. 219, approved March 5, 1897.)

Sections of this act provide for and regulate the construction of dams across all draws, sloughs, ravines, and other natural drains or water courses except permanent flowing creeks and rivers for the purpose of storing surface waters.

The work of building such dams shall be under the immediate control and direction of the road overseer in the district where the same are to be constructed, and the township supervisors through the road overseers shall keep said dams in a good state of repair.

Any person who shall interfere with the construction of said dams, or shall tear down or destroy the same in any manner, so as to render them unfit for the purpose intended shall be guilty of a misdemeanor: Penalty, fine from \$25 to \$200 or imprisonment from ten to ninety days, or both fine and imprisonment.

Any person who shall neglect or refuse to do his duty under the provisions of this act shall be guilty of a misdemeanor: Penalty, fine from \$5 to \$20 or imprisonment from five to ten days, or both fine and imprisonment for each offense.

This law shall take effect only in such counties as shall adopt it by a majority vote at any election, and provision is made for printing ballots "For" or "Against" storage of water.

Registry of brands and marks.—An act creating a State registry of brands and marks, a State brand and mark committee, providing for brands and marks upon live stock, and repealing sections 2261 to 2272, inclusive, of the Compiled Laws of 1887. (Chap. 90, p. 239, approved March 9, 1897.)

Section 1 declares the right of persons having cattle, hogs, sheep, horses, mules, or asses to adopt a brand or mark for their exclusive use.

Other sections provide for the appointment of a State brand and mark committee and for State registry of brands and marks, and define the duty of said committee and the secretary of state relative to recording brands and marks.

Section 8 declares it to be the duty of persons bringing into any county of the State of South Dakota and turning loose for grazing purposes any herd brand or individual animals already branded, to lay before the said committee a statement of the brands of said animals, and if said brands conflict with any previously recorded, it shall be the duty of the owner or manager of said animals to brand them with a brand that

the committee shall consider a full and distinguishing mark from all brands there recorded, and the owner shall be enjoined from any further use of the conflicting brand. Failure to comply with these provisions shall render the party so failing liable for all damages.

Any person or persons who shall violate or fail to obey the provisions of this act, or shall continue the use of any brand or mark after the same has been rejected or after decision that the same conflicts with a previously recorded brand or mark. Penalty, fine not exceeding \$1,000 or imprisonment not exceeding one year, or both fine and imprisonment.

NOTE.—Embraces former legislation, with new features not affecting penalties.

Inspection of sheep.—An act to provide for the inspection of sheep. (Chap. 91, p. 243, approved March 9, 1897.)

Sections of this act provide for the appointment of a sheep inspector and define his duties.

The duties of railroad companies relative to having sheep inspected before releasing them from yards where they are unloaded are regulated, and in case any railroad company shall release sheep before being inspected, and in case of failure from any cause of the person in charge of such sheep to report the same for inspection, or for any disobedience to the lawful instructions of the inspector after inspection, a fine of \$100 shall be imposed upon said railroad company or said person for each offense.

The treatment of sheep found to be diseased is regulated, and owners of sheep are required to afford the inspector all reasonable facilities and assistance for making his inspection under penalty of fine from \$10 to \$100 for each offense. Formerly the fine for this offense was from \$10 to \$300.

Section 11 declares that whenever any sheep inspector shall willfully and falsely report any sheep to be affected with disease, or willfully and falsely report any sheep inspected by him to be free from disease, he shall forfeit his office as inspector and shall be subject to a penalty of not less than \$25 nor more than \$100. Formerly the fine was ten times the amount of the fees charged for inspection for reporting "subject to disease;" for reporting "free from disease" the fine was \$300 for each offense.

Provision is made for annual tax upon the assessed valuation of sheep within the county, to constitute a fund which shall be expended in the payment of the legal services of the sheep inspector and his deputies, and for such other expenses as are provided for in this act.

Safety cages in mines.—An act to insure safety to life and limb in the mining industry. (Chap. 92, p. 247, approved March 2, 1897.)

Section 1 provides for the use of an iron-bonneted safety cage in mines that are worked through a vertical or inclined shaft at a greater depth than 200 feet, and regulates the construction of such safety cage.

Every person or corporation failing to comply with the provisions of this act shall be punishable by a fine not exceeding \$1,000.

Removal of gas in smelting works.—An act to provide for the removal of unnecessary gases, fumes, and dusts from smelters and dry-crushing reduction works. (Chap. 93, p. 248, approved March 3, 1897.)

Section 1 declares that any person or corporation operating smelters or dry-crushing reduction works is hereby required to put in their respective works exhaust fans and dust chambers or some other contrivance for the removal of all gases, fumes, dust, and other impurities that accumulate at all times in the operation of such works.

Section 2 declares that any person or corporation that shall fail to provide all reasonable safeguards for the protection of life and health of their employees by not putting in their respective works the above-mentioned appliances shall be guilty of a misdemeanor: Penalty, fine from \$500 to \$1,000 for each offense.

Section 4 provides for the visit of State mine inspector to works at least once in every month to see that the provisions of this act are enforced.

Operators of works that come under the provisions of this act are required to have such improvements completed within ninety days after the passage and approval of this act.

Monopolies and trusts.—An act to enforce section 20 of Article XVII of the constitution of the State of South Dakota. (Chap. 94, p. 249, approved March 1, 1897.)

Section 1 defines monopolies and trusts.

Sections 2 and 3 prohibit limiting the production or regulating the transportation of any product or commodity so as to obstruct or delay or prevent competition; also combining or making any contract to fix prices, limit the production, or regulate the

transportation of any product or commodity so as to obstruct or prevent competition or limit transportation or to fix prices therefor.

Violation, a misdemeanor: Penalty, fine not less than \$1,000 nor more than \$5,000 for first offense; for second offense, from \$5,000 to \$10,000.

NOTE.—Formerly the fine did not exceed \$1,000, but there was added imprisonment in the State prison not exceeding five years, or both fine and imprisonment. Former legislation is by above act made more direct and simple.

Gambling with slot machines.—An act prohibiting the public use of nickel-in-the-slot machines, and providing for the punishment thereof. (Chap. 101, p. 255, approved February 27, 1897.)

Section 1 prohibits the use of any machine or device commonly called "nickel-in-the-slot machine" for gambling purposes.

Violation, a misdemeanor: Penalty, fine from \$10 to \$25 or imprisonment from five to twenty days.

Section 3 defines the duty of officers relative to the arrest of persons violating above provisions and to the seizure and destruction of machine.

Peddlers and hawkers.—An act to license peddlers, hawkers, and solicitors, and prescribing penalties for failure to comply with the terms of this act. (Chap. 102, p. 256, approved March 9, 1897.)

Section 1 declares it unlawful for any person to peddle or hawk any goods, wares, or merchandise without having first procured a license from the county auditor.

Sections 2, 3, and 4 regulate the amount of fee for license for peddlers traveling on foot, with a wagon or other vehicle, or by taking orders.

Sections 6, 7, and 8 provide for exhibition of license for period of license, and declare that the provisions of this act shall not apply to runners traveling for wholesale houses and taking orders from merchants only, nor to peddlers or hawkers in farm products.

Violation of provisions is declared a misdemeanor: Penalty, fine from \$25 to \$100.

NOTE.—Under Territorial legislation, 1887, South Dakota imposed a penalty of fine of \$50 upon peddlers selling without license.

Registration of pharmacists.—An act to amend sections 11 and 12 of chapter 132 of the laws of 1893, being an act creating a South Dakota pharmaceutical association, establishing a State board of pharmacy in the State. (Chap. 103, p. 257, approved March 9, 1897.)

As amended, section 11 declares that any person other than a registered pharmacist retailing or dispensing drugs, medicines, or poisons, except as a registered pharmacist within the meaning of this act, shall be deemed guilty of a misdemeanor: Penalty, fine from \$50 to \$100. Permitting the sale of such drugs or poisons except by a registered pharmacist or his assistant, of neglecting to procure annual registration, or willfully making false representations to procure such registration is declared a misdemeanor: Penalty, fine from \$50 to \$100. These provisions shall in no way interfere with business of physician or prevent him from supplying to his patients such articles as may seem to him proper, nor shall they give the right to any physician to furnish any intoxicating liquors to be used as a beverage on prescription or otherwise.

NOTE.—Formerly the fine was not less than \$50.

Section 12 as amended prohibits the sale of poisons unless labeled as herein prescribed, and person purchasing said poisons must be introduced to seller if not known by him, and entry of sale kept by person selling the poison. Failure to comply with the requirements of this section is declared a misdemeanor: Penalty, fine from \$10 to \$25.

NOTE.—Formerly fine of \$10 only.

Custody of public funds.—An act to provide for the safe-keeping of public funds in the hands of county treasurers, and providing the penalties for noncompliance therewith. (Chap. 104, p. 259, approved March 1, 1897.)

Section 1 defines the duty of the county treasurer relative to the safe-keeping of public funds, and regulates the deposit of such funds in the State, private, or national banks of South Dakota.

The county treasurer is prohibited from making use of any public money for profit. Violation is deemed a felony: Penalty, fine not exceeding \$5,000 or imprisonment in the State penitentiary not exceeding two years, with liability for profits realized.

Section 5 declares that if the county treasurer shall willfully fail or refuse at any time to keep the public funds in the depositories as herein provided, or shall fail to do or perform any acts required of him by this act, he shall be guilty of a misdemeanor: Penalty, fine not exceeding \$5,000.

Section 7 declares it lawful for the county treasurer, when in need of funds for the

purpose of paying small warrants without issuing checks, to make a requisition on the county auditor for funds for such purpose not to exceed \$500, which shall be drawn on the check of the county treasurer, payable to himself, and countersigned by the county auditor. If the county auditor shall countersign any check in blank, or shall countersign any check for any purpose other than in payment of warrants legally drawn, he shall be deemed guilty of a felony: Penalty, imprisonment in the penitentiary from one to twenty years.

NOTE.—Embraces reenacted chapter 93 of the laws of 1891, with new feature concerning amount of bond of county treasurer.

Embezzlement.—An act to amend section 6698 of the Compiled Laws of 1887, being section 497 of the penal code, increasing and providing a penalty for embezzlement and falsifying accounts by public officers. (Chap. 105, p. 262, approved March 5, 1897.)

The amended section declares that every public officer, and every deputy and clerk of any such officer, and every other person receiving any moneys on behalf of or for account of this State, who appropriates to his own use or to the use of another any money received by him on behalf of this State or the people thereof, or knowingly keeps any false account or makes any false entry or erasure in any account of or relating to any moneys so received by him on behalf of the State, or fraudulently alters or destroys any such account, or willfully omits or refuses to pay over to the State or its officer or agent, authorized by law to receive the same, any money received by him under any duty imposed by law so to pay over the same, is guilty of a felony: Penalty, fine not exceeding \$5,000 and imprisonment in the penitentiary not exceeding fifteen years.

The same.—An act amending section 1665 of the Compiled Laws of the State of South Dakota, being section 104 of chapter 28 of the political code relating to embezzlement by public officers. (Chap. 107, p. 265, approved March 9, 1897.)

As amended, the section declares that if any county treasurer, State treasurer, other officer, or person charged with the collection, receipt, safe-keeping, transfer, or disbursements of any portion of the public money or any other funds or property shall convert to his own use or to the use of any other person any part or portion of the public money or any other fund or property belonging to the State of South Dakota received, controlled, or held by him for safe-keeping, transfer, or disbursement, or for any other purpose, or shall use the same by way of investment in any kind of security, stock, loan, property, land, or merchandise or in any manner or form whatever, or shall loan, with or without interest, to any company or corporation, association, or individual, or advise or aid in such act, every such act shall be deemed and held in law to be an embezzlement of so much of said money or other securities or property enumerated aforesaid, which is hereby declared to be a felony: Penalty, fine equal to double the amount of the money or value of the property embezzled, and imprisonment in the State penitentiary at hard labor from one to twenty-one years, according to the magnitude of the embezzlement.

NOTE.—Above act is an enlargement of former legislation.

Railroad commissioners, etc.—An act to regulate common carriers and the charges for the transportation of passengers and freight by common carriers within the State of South Dakota, and to confer upon the board of railroad commissioners certain powers in relation thereto, and to provide for the enforcement of the orders and regulations of said commissioners. (Chap. 110, p. 268, approved February 3, 1897.)

Sections of this act deal with the duties and powers of railroad commissioners relative to their supervision of all railroads in the State operated by steam.

Any person who may willfully obstruct said commissioners in the performance of their duties, or who may refuse to give any information within his possession which may be required by said commissioners within the line of their duty, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$1,000.

The duty of railroad corporations relative to furnishing cars for the transportation of passengers and freight within the State of South Dakota is defined, and the charges therefor are regulated.

Common carriers are required to print and post schedules showing the rates, fares, and charges for the transportation of passengers and property, and provision is made for continuous carriage of freight from the place of shipment to the place of destination in this State.

Section 25 provides for an annual report to be made to railroad commissioners by all common carriers, showing condition of business and containing information in relation to rates or regulations, concerning fares or freights or agreements, arrangements or contracts with other common carriers; also, such other reports as in the

judgment of said board of commissioners shall be deemed just and reasonable. Failure, neglect, or refusal to make any of the reports provided for herein within the time fixed by the board of railroad commissioners shall subject to fine of \$100 for each and every day of delay in making such reports after the date fixed.

Extortion and unjust discrimination on the part of any railroad corporation or common carrier is prohibited under penalty of fine from \$1,000 to \$5,000 for the first offense, and from \$5,000 to \$10,000 for every subsequent offense.

Section 33 declares that nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States or for this State or municipal governments for charitable purposes, or to and from fairs and expositions for exhibition thereat, or for the employees of such common carriers or their families, or private property or goods for the family use of the employees of such common carriers, or the issuance of mileage, excursion, or commutation passenger tickets; neither shall any common carrier be prohibited from giving reduced rates to ministers of religion, nor shall railroads be prevented from giving free carriage to their officers and employees and their families and to persons in charge of live stock while being shipped, or prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers or employees.

Provision is made for joint shipment at less than the regular charges and for establishing and maintaining suitable platforms and station houses for the convenience of passengers, and for the transfer of passengers, baggage, or freight.

Any railroad corporation or company which, after having received ninety days' notice shall neglect or refuse to comply with above provisions, shall for every day of failure, neglect, or refusal to comply therewith forfeit and pay the sum of \$25.

Section 42 declares that in addition to any penalty imposed or remedy provided in this act, continuous neglect or refusal to comply with the provisions or with any reasonable order or regulation of the board of railroad commissioners shall cause a forfeiture of franchise if a domestic corporation, and if a foreign corporation, forfeiture of all right and privilege to transact business within this State.

Willful neglect or refusal by any railroad commissioner to perform the duties imposed upon him in this act is declared a misdemeanor, and in addition to the punishment provided by law such railroad commissioner shall forfeit his office.

Except as otherwise especially provided for any common carrier, corporation, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation who shall willfully do, suffer, or permit to be done any act herein prohibited or declared to be unlawful, or who shall aid or abet therein, or omit or fail to do any act or thing required in this act, or suffer or permit anything required not to be so done, or aid or abet any such omission or failure, or shall be guilty of any infraction of this act shall be deemed guilty of a misdemeanor: Penalty, fine from \$500 to \$5,000 for each offense.

NOTE.—Above act of 45 sections is substantially new. Sections 1 to 11 embrace legislation of 1887 and 1889.

Desecration of the United States flag.—An act to prevent the desecration of the United States flag. (Chap. 119, p. 300, approved February 26, 1897.)

Section 1 declares that any person who shall willfully mutilate, alter, or falsify the surface of the United States flag by affixing any label, stamp, advertisement, brand, imprint, portrait, any emblem, mottoes, or design save and except such as may be authorized by the law of Congress and the United States Army regulations, and shall expose the same to public view or in any public place, shall be deemed guilty of a misdemeanor: Penalty, fine from \$5 to \$100.

Taxation (chap. 28, p. 30, approved March 10, 1897).—Provides for the assessment, levy, and collection of taxes.

Section 15 provides that a list of personal property shall be made under oath. Signing and delivering of false statement is declared to be perjury, subject to punishment by law provided for this crime.

SEC. 66. Express and sleeping car companies failing to make a statement as required by law shall forfeit to the State not less than \$500 nor more than \$5,000.

Education (chap. 57, p. 110, approved March 10, 1897).—Establishes a uniform system of education.

Chapter 6, section 5. Every person, whether pupil or not, who willfully molests or disturbs a public school while in session, or who shall willfully interfere with or interrupt the proper order or management of a public school by acts of violence, boisterous conduct, or threatening language, so as to prevent the teacher or any pupil from performing his duty shall be punished by a fine of not more than \$25 or imprisonment in county jail not more than ten days, or by both.

Chapter 7, section 1, makes school attendance compulsory. Children between the age of 8 and 14 shall annually attend twelve weeks, at least six weeks of which shall be consecutive, in some public day school in the city, town, or independent district in which he resides. Penalty, \$10 to \$20, and shall stand committed until such fine and costs of suit are paid. If the person so neglecting shall show that the child has attended for the like period of time a private day school, or that instruction has been given for a like period of time, that his physical or mental condition renders attendance inexpedient, the penalty shall not be incurred.

It is made the duty of the school officers to arrest truant children and to place them in charge of the public school teacher. Any school officer failing to perform his duty shall be liable to a fine from \$10 to \$20.

Section 3 forbids the employment of children between 8 and 14 years of age in mines, factories, workshops, unless the person or firm employing him shall first procure a certificate stating that such child has attended school for a period of twelve weeks during the year, or has been excused from attendance, as provided in section 1 of this article.

Employers violating provisions of this article shall be deemed guilty of a misdemeanor: Penalty, \$10 to \$20 and costs.

SEC. 4. The penalty for false statements by persons having control of a child with intent to evade the provisions of this act, \$10 to \$20.

Chapter 8, section 3, makes penalty for false statement by any clerk or treasurer of a school district of the affairs, resources, and credit of the school district, fine not exceeding \$50, or by imprisonment in county jail not exceeding fifty days. Clerks or treasurers mutilating accounts or records, or refusing to deliver them to their successor in office, guilty of a misdemeanor.

Uniform school text-books.—An act to establish uniform school text-books and to regulate the supply thereof. (Chap. 59, p. 161, approved March 9, 1897.)

Section 12 forbids any school-teacher, county or city superintendent, or member of any county board of education from receiving emoluments from publishers of schoolbooks in payment for vote or influence. Violation, a misdemeanor.

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Felony and misdemeanor.—All violations of law, punished by imprisonment in the penitentiary or by the infliction of the death penalty, are, and shall be denominated, felonies, and all violations of law punished by fine or imprisonment in the county jail, or both, shall be denominated misdemeanors. (Code, Shannon, 7185.)

When the performance of any act is prohibited by statute, and no penalty for the violation of such statute is imposed, the doing of such act is a misdemeanor. (6437.)

NOTE.—The following decision is pertinent:

"If a penalty is fixed for the violation of such law, the violation is not indictable as a misdemeanor unless the statute itself declares the violation to be a misdemeanor." (7 Box., 96.)

Most misdemeanors have penalty attached, those which have not may be included under "Small offenses."

Small offenses.—Violations of the criminal law within the grade denominated by this code "small offenses" may be punished by a justice of the peace by a fine not exceeding \$50, as hereinafter provided. (6952.)

Any person brought before a justice of the peace for a misdemeanor may plead guilty, whereupon the justice shall hear the evidence and fine the offender, according to the aggravation of his offense, not less than \$2 nor more than \$50, together with all costs. (6953.)

If not paid immediately offender must be imprisoned until paid. (6956.)

If imprisoned, discharged by taking the oath of insolvency, giving ten days' notice to the county trustee. (6959.)

Taxation (chap. 1, p. 5, approved April 30, 1897).—This act is an elaborate one, covering some forty-nine pages and embracing ninety sections. It relates to the classes of property to be exempted from taxation; with the manner of assessing property; with the election of assessors, their duties; with the board of equalization; with the sale of property of delinquent taxpayers, etc. Several penalties are imposed.

Section 14 provides for the taxation of various corporations. All corporations are required annually to make out a written statement containing answers to all ques-

tions required to be given to the assessors. Failure to do so within thirty days after time provided a misdemeanor and liable to a fine of \$200.

Section 19 forbids persons or corporations from conducting business declared to be a privilege without obtaining a license: Penalty, each person or individual, or member of a corporation, shall be subject to prosecution for each day's violation, and on conviction shall be fined not less than \$100 for each offense.

NOTE.—The language of the section is amended; the penalty is the same.

Section 26 enacts that in case a person, firm, or corporation shall knowingly permit an inadequate assessment to be made, that a penalty of 25 per cent in case of ad valorem taxes shall be added thereto and the whole be entered upon the tax books for collection.

NOTE.—Former penalty 50 per cent.

Section 40 is reenacted without change and makes failure of assessor to comply with law a misdemeanor: Penalty, \$50 to \$500, and liable to suit on his official bond in favor of the injured party.

Section 82 reenacts former penalty for failure to collect and disburse public funds legally, viz, misdemeanor and fine of \$50 to \$500, and the officer failing to collect and pay over taxes shall be liable to a penalty of 10 per cent on the same in addition to attorney's fees (formerly 15 per cent), and shall forfeit his office.

Section 85 provides for penalties on unpaid municipal taxes. If such municipal taxes be not paid on or before the date fixed for the delinquency a penalty of 5 per cent shall at once accrue. After the first day of the following month an additional penalty of 2 per cent shall accrue, and an additional penalty of 1 per cent shall accrue on the first day of each month thereafter until such penalty shall reach the sum of 10 per cent on the original tax, whereupon the said penalty shall be no further increased.

Section 88 provides for the appointment of revenue agents by the comptroller. It shall be their duty to examine the records of all officials charged with the collection of State, school, or county taxes. They are given the right to make investigations of all accounts and to examine the records and papers of banks so far as they relate to public funds deposited therein. They have authority to bring suit against delinquent privilege taxpayers and to proceed against assessors for malfeasance in office. To refuse said revenue agents full and free access to all books and records held by any official, a misdemeanor: Fine, \$100 to \$500 for each refusal.

To indemnify the State against the compensation and expenses of said revenue agents, 10 per cent will be added to the recovery in all suits brought by said revenue agent against companies or parties who pay directly to the comptroller's office.

THE SAME.—An act to provide a revenue for the State of Tennessee and the counties thereof. (Chap. 2, p. 50, approved April 30, 1897.)

Section 14 makes it a misdemeanor for firms or corporations to fail to pay the taxes prescribed for certain privileges: Penalty, fine \$50 to \$500 for each day they may transact such business.

THE SAME (chap. 5, p. 102, approved April 5, 1897).—Relates to the assessment of railroad, telegraph, and telephone properties.

Section 5 gives the State tax assessors authority to summon persons, call for books, and administer oaths and ascertain the value of property. Any person failing to attend when summoned shall be guilty of a misdemeanor: Penalty, fine \$100 and thirty days in jail. Any person testifying falsely shall be guilty of perjury.

Railroad commission (chap. 10, p. 113, approved April 7, 1897).—Creates a railroad commission and defines its duties and powers.

Section 5 makes it the duty of railroad companies to furnish the commission with passes or tickets, but forbids any railroad from giving or any commissioner from receiving from a railroad any gift, gratuity, or emolument: Penalty for persons or corporations violating this section, fine of from \$1,000 to \$5,000, to be recovered by indictment; and any commissioner shall in addition to the above penalty be immediately dismissed from said office; by the judgment of the court trying the case.

Sec. 9. The railroad commissioners shall have power to examine under oath the directors, officers, agents, and employees of any railroad corporation, and to compel the production of books and papers and to administer oaths. Neglect to obey subpoenas or refusal to testify, a misdemeanor: Penalty, fine \$50 to \$100 or imprisonment from ten to fifty days, or both, in the discretion of the jury trying the case.

Sec. 12. It is made the duty of every railroad company to furnish to the commission monthly, quarterly, and annual statements of the condition and operation of their roads.

SEC. 13. Failure to make under oath, within time required, such report, a misdemeanor: Penalty, \$500 to \$1,000 for each offense.

NOTE.—The former penalty for a railroad refusing to fill schedule or give valuation was \$200 for each day after the report was due unto ten days, when the fine was increased to \$400 for each additional day of failure.

Section 18 forbids any railroad or any common carrier to "charge or receive any greater compensation in the aggregate for the transportation of passengers or property of like kind under substantially like circumstances and conditions for a shorter than a longer distance over the same line in the same direction, the shorter being included within the longer distance." Violation, misdemeanor: Penalty, fine, \$100 to \$500. Unlawful extortion is forbidden and undue preferences to any particular locality.

Section 19 punishes extortion or unjust discrimination by a fine of \$500 to \$2,000.

Section 23 declares that any person or corporation who shall make any reduction or rebate prohibited by this act, without approval of the commission, shall be guilty of a misdemeanor: Penalty, fine, \$100 to \$500.

Section 25 provides a general penalty for violation of the act, or for provisions of the act for which penalty has not been provided, \$50 to \$100.

NOTE.—Sections 16, 17, and 18, relating to unlawful extortion, undue preference, and overcharge for short haul are substantially the same as sections 3060, 3062, 3063 of code.

Election law (chap. 14, p. 134, approved February 10, 1897).—An act to preserve the purity of elections and define and punish offenses against the elective franchise. Forbids any person to contribute any money or any valuable consideration to induce a person to vote or refrain from voting, or to promise employment or appointment, or to give money to any other person to be used in bribery.

Section 2 makes it unlawful for any person to receive such bribe.

Section 3 makes it unlawful for any candidate to become a party to any bet or wager upon any event or contingency arising out of the election.

Violation, a misdemeanor.

Section 4 forbids violence and intimidation. It is made unlawful for employers or corporations to threaten their employees so as to influence the political opinions of employees. Violation, misdemeanor.

Section 5 makes it unlawful for any corporation or its agent to influence by violence or by discharging from employment, or by intimidation in any manner, any employee. Violation, misdemeanor.

SEC. 7. Penalty for violation of sections 1 and 2 relating to briberies at elections is fine of not more than \$1,000, or imprisonment in the State prison not more than five years, or by both, and disqualification from holding office or exercising the elective franchise for a period of six years.

Any corporation or agent thereof guilty of any offense herein made a misdemeanor shall be fined not exceeding \$1,000.

NOTE.—The provisions of this act are similar to former acts, but are recast, and the punishment is made more severe. The former penalty for persons ranged from \$100 to \$500 and imprisonment not less than ten days nor more than three months. For corporations the penalty is the same as before.

Election funds (chap. 18, p. 143, approved April 5, 1897).—The act prohibits the use of funds belonging to corporations for electioneering, political, or campaign purposes. Violation by any representative of the corporation doing business within the State a misdemeanor: Penalty, fine \$500 to \$2,000 and imprisonment in county jail or in workhouse from two to six months.

Sale of cigarettes (chap. 30, p. 156, approved February 11, 1897).—An act to prohibit the sale, or offering for sale, or bringing into the State for the purpose of sale, or giving away of any cigarettes, cigarette paper, or substitute thereof.

Section 1 makes it "a misdemeanor for any person, firm, or corporation to sell, offer to sell, or to bring into the State for the purpose of selling, giving away, or otherwise disposing of any cigarettes, cigarette paper, or substitute for the same; and a violation of any of the provisions of this act shall be a misdemeanor, punishable by a fine of not less than \$50."

SEC. 2. The grand jury shall have inquisitorial power over offenses committed under this act.

The act took effect May 1, 1897.

NOTE.—In 1891, chapter 107, section 1, it was a misdemeanor, punishable by a fine of from \$10 to \$50 to sell or give cigarettes to minors. In 1895, chapter 180, sections 1 and 2, it was enacted that the effect of cigarettes, as of alcoholic drinks and narcotics, "shall be taught thoroughly" as a "regular course of study in all schools;" i. e., public schools.

Speculating in claims or judgments (chap. 35, p. 162, approved March 15, 1897).—Forbids officers, clerks, and employees of courts from speculating on or in

the judgments of courts and the claims of litigants, or from buying any kind of property sold through any court of this State located or held in any county in which such employee is discharging his official duties: Penalty, fine \$100 to \$500.

NOTE.—New. Yet a law exists from 1805 against officers purchasing at their own sale or speculating in State or county claims. Both under penalty of removal and disqualification.

Public school funds (chap. 36, p. 163, approved February 4, 1897).—Makes it a misdemeanor for any county superintendent or county trustee to fail to make any of the reports provided for in this act (namely, reports relating to conditions of schools and school funds).

Diseases among domestic animals (chap. 42, p. 171, approved February 15, 1897).—Amends chapter 180, acts of 1893, entitled "An act to prevent the spread of communicable diseases among domestic animals in the State of Tennessee." Owners of diseased animals are required to immediately report the fact, belief, or suspicion to the county board of health.

Section 2 makes it the duty of the State board of health to cooperate with the officials of the Federal Government and with those of other States.

Section 3 defines the duties of county boards of health.

Section 4 makes it a misdemeanor to bring diseased cattle into the State: Penalty, \$500 to \$5,000, or imprisonment in county jail from one to three years, in the discretion of the court.

NOTE.—Former penalty not less than \$50 nor more than \$500, or imprisonment twelve months, or both.

SEC. 5. It is made a misdemeanor to obstruct examinations of county board of health or its agents: Penalty, fine \$50 to \$200.

NOTE.—Former penalty the same.

Section 6 makes it a misdemeanor to permit affected animals to run at large or to ship, sell, or give away such animals: Penalty, fine \$50 to \$100 for each diseased animal sold, shipped, traded, given away, or permitted to run at large.

NOTE.—Former penalty, fine to \$100, or imprisonment three months, or both.

Adulteration of food (chap. 45, p. 177, approved March 24, 1897).—Forbids the sale of adulterated or misbranded food. Violation, misdemeanor: Penalty, \$25 to \$100 for first offense and for each subsequent offense not less than \$200, or imprisonment in the county jail not exceeding one year, or both, in the discretion of the court.

Section 2 defines the duties of the board of health,

Section 3 makes it the duty of the district attorney to prosecute in such cases.

Sections 4 and 5 define adulterations.

Section 6 provides that samples of food shall be furnished to the State board of health on demand. Refusal, a misdemeanor: Penalty, a fine from \$10 to \$100, or imprisonment not exceeding three months nor less than thirty days, or both. And in addition, persons found guilty of manufacturing or selling such food shall pay the necessary costs and expenses of analyzing such articles.

Closed patrol wagons for prisoners (chap. 53, p. 194, approved March 15, 1897).—Forbids the use of open patrol wagons for transporting persons under arrest. Closed vehicles must be provided with suitable air, so that any person being conveyed from one point to another shall be concealed from the view of passers-by.

SEC. 3. It is made the duty of the mayor or other persons, whose duty it is now under the ordinances of the municipalities or taxing districts in the State to have said wagons provided, to see that the provisions of this act are complied with. Violation, misdemeanor: Penalty, fine of \$500.

Unlawful conspiracies (chap. 52, p. 192, approved March 24, 1897).—Section 1 makes it a felony punishable by from three to twenty-one years imprisonment in the penitentiary for two or more persons to enter into any conspiracy or combination to take human life or to engage in any act reasonably calculating [sic] to cause the loss of life, whether generally or of a class or classes or of any individual or individuals, or to inflict corporal punishment or injury, or to burn or otherwise destroy property.

SEC. 2. It shall be a felony punished in like manner as the offense for any person either directly or indirectly to procure or encourage anyone to become or remain a member of any such unlawful conspiracy.

Protection of electric lines (chap. 60, p. 200, approved March 15, 1897).—Makes it a misdemeanor to cut the wires or break the insulators of telegraph, telephone, or electric lines: Fine, not more than \$20.

Cutting or tapping wires (chap. 102, p. 250, approved January 27, 1897).—Makes it a misdemeanor to cut, break down, interrupt, or interfere with the current, lines,

poles, or appliances of any electric-light and power company: Penalty, fine \$50 or imprisonment in the county workhouse, or in the county jail if there be no workhouse, from ten days to twelve months at the discretion of the court.

Protection of prisoners against fire (chap. 66, p. 206, approved April 29, 1897).—Makes it the duty of a sheriff of every county in the State where the jail is not fire-proof, and so long as any person is confined therein, to be constantly at the jail or to have constantly there some one having all keys necessary to liberate all prisoners in case of fire. Such sheriff or other person to remain in the jail every night from 8 p. m. to 6 a. m.

SEC. 3. Violation, whether by sheriff or by any person selected as jailer or guard by him, a misdemeanor: Penalty \$50 to \$500, or imprisonment in the county jail from one to eleven months, or both.

Unlawfully wearing certain badges or emblems (chap. 67, p. 207, approved April 30, 1897).—Forbids the wearing of buttons, badges, pins, or other emblems of the Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias, United Confederate Veterans, Grand Army of the Republic, or any other secret society working under a charter recognized by a grand or supreme lodge, unless he shall be entitled to wear the same by the rules of the society. Violation, misdemeanor: Fine not exceeding \$25 or imprisonment not more than thirty days, or both, in the discretion of the court.

Pen and ink obligatory (chap. 74, p. 217, approved April 29, 1897).—SEC. 1. All orders issued by commissioners of public road districts, as required by law, for compensation for services or labor, etc., shall be written wholly with pen and ink or printed and written with pen and ink. All such orders not so written shall be illegal and void: Penalty, fine \$10 to \$50 and liable in damages to the person aggrieved.

Notes given for patents (chap. 77, p. 221, approved March 26, 1897).—SEC. 1. Hereafter it shall be unlawful for any person, either in his own behalf or in a representative capacity, to take or receive for the sale of a patent right or any interest therein a note or other written security given for such right or any interest therein unless it shall clearly appear upon the face of the note or other security that the same is given in the purchase of a patent right or an interest therein.

SEC. 2. Violation, a felony: Punishment, imprisonment in penitentiary from one to five years.

NOTE.—This enacts a decision of the court.

Regulating the practice of pharmacy (chap. 80, p. 224, approved March 24, 1897).—Amends chapter 39 of the acts of 1893. Prohibits the adulteration of drugs. Violation, a misdemeanor: Penalty, \$20 to \$100.

Section 10 regulates the sale of poisons and requires a record of sales to be kept. Violation, a misdemeanor: Penalty, \$20 to \$100, and in discretion of the court imprisonment one to six months in addition to fine.

NOTE.—The former penalty was the same fine without imprisonment.

Coal combines (chap. 93, p. 240, approved April 30, 1897).—SEC. 1. Any person who directly or indirectly enters into a conspiracy or agreement with intent to limit the output of coal in this State for the purpose of raising the price of coal to the consumer or to any intermediate dealer shall be guilty of a misdemeanor: Penalty, fine not less than \$1,000.

Antitrust law (chap. 94, p. 241, approved April 30, 1897).—Section 1 declares that from and after the passage of this act all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view to lessen, or which tend to lessen, full and free competition in the importation or sale of articles imported into this State or in the manufacture or sale of articles of domestic growth or of domestic raw material, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed, or which tend, to advance, reduce, or control the price or the cost to the producer or to the consumer of any such product or article, are hereby declared to be against public policy, unlawful, and void.

SEC. 2. Corporations violating this act forfeit charter.

SEC. 3. Any persons engaged in such conspiracy shall be punished by fine of \$100 to \$5,000 and imprisonment in the penitentiary not less than one nor more than ten years, or in the judgment of the court by either such fine or imprisonment.

SEC. 4. The provisions of this act shall not apply to agricultural products or live stock while in the possession of the producer or raiser.

Partition fences (chap. 95, p. 243, approved April 29, 1897).—Section 1 enacts that no partition fence or any part of such fence, by which the lands of different

owners are inclosed, shall be removed without the mutual consent of said owners, unless the party desiring to remove said fence or part thereof shall first give six months' notice in writing to the owner or owners of his intention to remove said fence; and after the expiration of the time of said notice he may remove the same.

SEC. 2. Any person removing said fence without giving notice required by section 1, misdemeanor, and shall be, moreover, liable to the party for any damages sustained by the reason of the removal of said fence.

Toilet rooms for female employees (chap. 98, p. 247, approved January 27, 1897).—Requires all mercantile or manufacturing establishments employing female help to provide separate water-closets for female help.

Section 2 enacts that no male person shall enter these water-closets except for the purpose of repairing or cleaning the same. Violation, misdemeanor: Penalty, \$2 to \$10.

Village sidewalks (chap. 99, p. 247, approved March 19, 1897).—Section 1 makes it lawful for any person owning town lots in villages or unincorporated towns to construct suitable sidewalks. To ride or drive a horse, team, or other vehicle thereon except for the purpose of crossing the same when necessary to do so, a misdemeanor, and punished in the same way as other misdemeanors.

Protection of schools for females (chap. 101, p. 249, approved March 19, 1897).—Makes it unlawful to disturb the pupils or teachers of any school or college for females in the State. Nor shall any communication be had for such purposes with such pupils or any one of them, either orally or in writing, or by signs or otherwise; and it shall also be unlawful for any person to enter upon any such school or college premises, except on business, without first having obtained permission of the principal in charge of same. Violation, misdemeanor: Fine \$5 to \$50 for first offense and \$10 to \$50 for each subsequent offense, and be imprisoned at the discretion of the court in the county jail from ten to thirty days.

Section 2 makes it unlawful to loiter, wander, stand, or sit upon the public roads, streets, alleys, or sidewalks, with intent to annoy, vex, or disturb the teachers or scholars. Violation, misdemeanor: Punishment the same as in section 1.

Arrested persons (chap. 103, p. 251, approved March 12, 1897).—Amends section 6189 of the laws of Tennessee. To allow persons charged with crime in other States and Territories time within which to consult counsel after arrest in this State. No person so arrested shall be removed for forty-eight hours after the arrest, and shall during that time be allowed to consult counsel. Violation, misdemeanor: Fine, \$50 to \$500.

Unlawfully cutting timber (chap. 106, p. 257, approved March 24, 1897).—Makes it a felony to willfully cut or to remove timber for the purpose of marketing the same from the lands of another without the consent of the owner of the timber.

Punishment, imprisonment in penitentiary from one to three years.

NOTE.—This was formerly simply a misdemeanor.

Protection of labels and trade-marks (chap. 107, p. 258, approved February 6, 1897).—Provides for the filing and recording by any person or association or union of workmen of a label, trade-mark, for the purpose of making known or distinguishing any goods, wares, or other products of labor. It is made unlawful to counterfeit or imitate the same: Penalty for violation, fine not more than \$100 or imprisonment not more than three months.

Section 4 punishes as above false declarations concerning such labels.

Section 6 punishes as above the unauthorized use of the genuine label.

SEC. 7. And the unauthorized use of name or seal of such person or union is also a misdemeanor with the same penalty.

Disposal of property under landlord's lien (chap. 114, p. 270, approved April 29, 1897).—Makes it a misdemeanor to dispose of property that is under a landlord's lien for rent. Persons so disposing shall be guilty of a misdemeanor.

Lobbying a felony (chap. 117, p. 273, approved February 10, 1897).—SEC. 1. Lobbying is hereby defined to be any personal solicitation of any member of the general assembly of this State, during a session thereof, by private interview, letter, message, or other means or appliance, not addressed solely to the judgment, to favor or oppose, or to vote for or against, any bill, resolution, report, or claim, for the purpose of procuring the passage or defeat thereof: *Provided, however,* That the foregoing definition does not include the presentation of petitions or memorials, or any address made before a committee of either house or joint committee of both houses of the general assembly.

Section 2 enacts that hereafter lobbying, as defined in section 1 of this act, shall be a felony; and that any person convicted thereof shall be confined in the penitentiary not less than two nor more than five years.

Commercial fertilizer (chap. 123, p. 279, approved April 30, 1897).—Provides for the inspection, analysis, and test of commercial fertilizer. Amends previous legislation act substantially the same.

Section 10 provides that violation of the act by selling commercial fertilizers without having complied with the provisions of the law, a misdemeanor: Fine, \$200 for each offense.

Section 11 defines the duty of common carriers. They are forbidden to deliver to the consignees any shipment unless the same has attached to it the tags required by this act. Violation, a misdemeanor: Fine, \$100 to \$500.

NOTE.—Former penalty for this section, \$50 to \$100.

Salaries of county clerks, registrars, sheriffs, etc. (chap. 124, p. 282, approved May 1, 1897).—Provides salaries for certain officers, and regulates the disposition of fees. Requires monthly statements of fees and commissions.

Section 12 declares that any officer enumerated in this act who shall willfully evade the letter or spirit of the act by failing to make the required exhibits or report, or conspiring with any person to make a false or incorrect report, shall be deemed guilty of a felony: Penalty, \$500 to \$1,000 and imprisonment in State penitentiary not less than one nor more than five years.

Assessment insurance (chap. 127, p. 300, approved April 10, 1897).—Regulates the business of life and casualty insurance on the assessment plan; prescribes conditions on which license shall be issued to State or foreign corporations; requires the maintenance of a reserve or emergency fund; forbids the issue of policies upon the life of persons less than 15 or more than 65 years of age; regulates the transfer of risks; requires the annual reports and inspection.

Section 15 makes it a misdemeanor to transact business without complying with the provisions of this act: Penalty, \$200, or imprisonment not more than sixty days, or both, in the discretion of the court.

NOTE.—Former penalty, \$100 to \$200, or imprisonment not more than thirty days, or both.

GAME LAWS.

Pheasants (chap. 44, p. 76, approved March 13, 1897).—Makes it unlawful to kill or capture English, Mongolian, or ring neck pheasants for five years. Violation, a misdemeanor: Fine, \$5 to \$20.

Export of quail (chap. 55, p. 195, approved March 24, 1897).—Makes it unlawful to export quail, dead or alive, out of the State of Tennessee for five years after the passage of the act. Violation, a misdemeanor: Fine, \$5 to \$10 for each quail so exported.

NOTE.—Makes effectual for the State what has been a law concerning certain counties. Former penalty, \$25 to \$50, and in default of payment imprisonment for ten days.

Protection of fish (chap. 57, p. 197, approved February 11, 1897).—Makes it unlawful to use dynamite or any explosive material whatever in any stream of water, lake, or pond inhabited by fish, except as now authorized by law.

SEC. 2. Violation, a felony: Penalty, penitentiary from one to three years.

NOTE.—Former penalty, not less than six months in county jail. The making of this violation a felony is a marked increase in penalty.

Game birds, certain counties (chap. 157, p. 344, approved April 29, 1897).—Protects certain game birds in the counties of Sumner, Tipton, Anderson, Rutherford, and Williamson. The penalty for killing quail, partridge, prairie chicken, grouse, or pheasant, for two years from the passage of the act, \$2 to \$25, or imprisonment not more than thirty days, or both. This does not apply to persons shooting birds on their own land in Tipton County or granting the same privilege to others.

SEC. 2. The penalty for disturbing or destroying the eggs of these birds, from \$2 to \$50, and imprisonment not more than thirty days, or both.

SEC. 3. The penalty for shipping any of these birds out of the said counties, \$5 to \$25.

NOTE.—Chapter 172, page 381, approved April 29, 1897, protects game birds, turkey, and deer in the counties of Grundy and Van Buren. Makes it a misdemeanor to kill quail at any time on the inclosed lands of another in said counties without obtaining permission of the owner of said lands. A misdemeanor to export from said counties any quail or partridge at any time: Penalty for either offense, fine \$5 to \$10.

Bradley County (chap. 177, p. 388, approved March 19, 1897).—Regulates and restricts shooting, netting, and trapping partridges or quail, and regulates the sale of the same in Bradley County. Violation, a misdemeanor: Penalty, fine \$5 to \$50 for each offense.

Gibson and Crockett counties (chap. 181, p. 394, approved March 24, 1897).—Makes it a misdemeanor to hunt or fish on inclosed lands in these counties without the written permission of the owner thereof or his agent, and it shall not be necessary for said lands to be posted: Penalty, \$1 to \$5.

Lauderdale County (chap. 188, p. 402, approved March 19, 1897).—Protects game in Lauderdale County. Violation a misdemeanor: Penalty, \$10 to \$25 for each bird or deer killed, captured, or destroyed in or shipped from said county. Forbids any person being a nonresident of the State of Tennessee to kill, trap, capture, or destroy any quail, lark, wild turkey, wild duck, or deer at any season of the year.

NOTE.—Former penalty, \$5 to \$25 for first offense. Not less than \$25 nor more than \$50 and imprisonment, at the discretion of the court, not over eight months for each subsequent offense.

County of Grainger (chap. 189, p. 404, approved March 24, 1897).—Protects game in the county of Grainger; establishes a close season. Violation, a misdemeanor: Penalty, \$10 to \$50. Former penalty, \$10 to \$25.

Henderson County (chap. 190, p. 405, approved March 24, 1897).—Protects game birds in Henderson County; establishes close season; forbids exporting game from said county, or hunting without permission of landowners. Violation, a misdemeanor: Penalty, \$5 to \$15.

Former penalty, \$5 to \$25 for first offense; afterwards, \$25 to \$50 and imprisonment at discretion of court not over three months.

Warren County (chap. 191, p. 406, approved February 12, 1897).—Protects game in Warren County from March 1 to October 1. Amends previous act. New provisions added are the prohibition of traps or snares at any season of the year, and of killing for the purpose of exporting or for sale in said county: Penalty, fine \$10 to \$25 for each bird.

Railroad, express companies, and wagoners are forbidden to ship such game out of the county. Violation, a misdemeanor: Penalty, \$10 to \$25.

Haywood County (chap. 203, p. 420, approved March 24, 1897).—Protects game birds and prohibits exportation from the county.

Formerly the prohibition was "beyond the limits of the State." As in other counties, new provisions are the prohibition of trapping at any time of the year. Unlawful to kill for profit at any season of the year: Penalty, \$5 to \$25 for first offense, and \$25 to \$50 for subsequent offenses.

NOTE.—Former penalty, fine \$5 to \$25, and on failure to pay, imprisonment ten to twenty days.

Wilson County (chap. 205, p. 423, approved March 30, 1897).—Makes it a misdemeanor to kill or capture partridge, quail, snipe, woodcock, dove, mockingbird, oriole, or other harmless birds in the county within five years from the passage of the act: Penalty, \$5 to \$25.

Hawkins County (chap. 220, p. 526, approved March 24, 1897).—Protects game birds in the county of Hawkins and forbids exportation from county or capture by nets: Penalty, \$10 to \$25 and imprisonment at the discretion of the court for killing or netting. For exporting from county, \$25 to \$50 and imprisonment at discretion of the court.

Fish in certain counties (chap. 241, p. 552, approved March 26, 1897).—Protects fish in Clay, Fentress, Overton, and Pickett counties; establishes close season. Violation, a misdemeanor: Penalty, \$5 to \$25.

Section 5 makes wounding or killing fish by poison or dynamite a misdemeanor: Penalty, \$10 to \$50 and imprisonment from one to six months in county jail for each offense.

Fish in Cocke County (chap. 288, p. 611, approved March 24, 1897).—Regulates the taking of fish in Cocke County; makes it unlawful to export the same. Violation, a misdemeanor: Penalty, \$5 to \$10 for each offense.

Birds in Dyer County (chap. 289, p. 612, approved March 26, 1897).—Protects game birds in Dyer County: Penalty for killing during close season or upon land of owners without their consent, \$5 to \$20. Penalty for exporting from county, \$10 to \$25 and imprisonment not more than ten days at the discretion of the court.

Roane County (chap. 245, p. 558, approved March 24, 1897).—Protects quail, partridge, and other birds in Roane County. Violation, a misdemeanor: Penalty, \$5 to \$10.

Exportation of game from various counties (chap. 250, p. 564, approved January 27, 1897).—Forbids the shipment of quail or partridge at any season of the year from Crockett, Carroll, Obion, or Madison counties: Penalty, \$10 to \$50 and imprisonment at the discretion of the court.

Fish in Carter County (chap. 258, p. 572, passed March 17, 1897).—Establishes a close season in Carter County and forbids transporting fish out of the county for sale: Penalty, \$10 to \$25. Imprisonment at the discretion of the court.

Bedford County (chap. 269, p. 591, approved February 10, 1897).—Protects quail or partridge, their nests and eggs, in Bedford County: Penalty, first offense, \$5 to \$25, and for each subsequent offense \$25 to \$50 and imprisonment at the discretion of the court not exceeding three months.

Former penalty, \$2.50 to \$5.

Fish in certain counties (chap. 299, p. 636, approved April 29, 1897).—Protects fish in Haywood, Rutherford, and Hardeman counties. Violation, a misdemeanor. Penalty, \$50 to \$100 and imprisonment in the county jail not over ten days, in the discretion of the court. But in case of wounding or destroying fish by poison or explosives imprisonment not less than six months.

Weakly County (chap. 319, p. 677, approved January 22, 1897).—Protects game birds and establishes close season. Violation, a misdemeanor. Penalty, \$10 to \$25. Imprisonment at the discretion of the court.

A misdemeanor to export game from said county at any time. Penalty, fine \$25 to \$50 and imprisonment at the discretion of the court.

MUNICIPAL PENALTIES.

Mayor and board of aldermen (chap. 213, p. 486, approved February 12, 1897).—Authorizes mayor and board of aldermen to impose penalties for the breach of ordinances, provided that no fine shall exceed \$50 and no sentence of imprisonment more than three months.

Kingston, Roane County (chap. 315, p. 663, approved March 30, 1897).—Incorporates the town of Kingston in Roane County. Provides that no fines shall exceed \$50 and no sentence of imprisonment more than thirty days.

Union City Cemetery (chap. 313, p. 659, approved March 19, 1897).—The mayor and aldermen shall have jurisdiction over said cemetery grounds, and desecration of graves and such other offenses as are prohibited by the laws of the State may be declared by ordinances to be misdemeanors; punishment not to exceed \$50.

TEXAS.

1897.

Felony and misdemeanor defined.—Every offense which is punishable by death or by imprisonment in the penitentiary, either absolutely or as an alternative, is a felony; every other offense is a misdemeanor. (Penal Code (White's), art. 55.)

Punishment of misdemeanor.—Whenever in this penal code, or code of criminal procedure, it is declared that an officer is guilty of an offense on account of any particular act or omission, and there is not in the penal code any punishment assigned for the same, such officer shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$200. (Art. 295.)

Misdemeanors are determined by statute and penalty attached.

Express companies (chap. 18, p. 14, approved March 11, 1897).—An act to require every incorporated express company to keep a general office in this State and to furnish such information in relation to its property, indebtedness, and business as may be required by the railroad commission of Texas. The books, papers, and contracts required to be kept in the general office shall be subject to inspection at all

times by officers of the State and by members of the railroad commission or its authorized agents. Penalty for noncompliance, \$100 to \$500 and forfeiture of charter.

NOTE.—The new feature of this act is establishment of the general office and the authority given to examine books and papers "to officers of the State of Texas." Previous to this the railroad commission has authority to call for reports and investigate books. (See act 2431, R. S. '95.) The penalty imposed is new.

Unlawfully carrying weapons (chap. 25, p. 24).—Amends article 338 of the Penal Code, 1895, of the State of Texas to read as follows:

ART. 338. If any person in this State shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, or knuckles made of any metal or any hard substance, bowie knife, or any other knife manufactured or sold for purposes of offense or defense, he shall be punished by fine of not less than \$25 nor more than \$200.

NOTE.—The former penalty added to the foregoing the following: "Or by imprisonment in the county jail not less than ten nor more than thirty days, or both by such fine and imprisonment; and during the time of such imprisonment such offender may be put to work upon any public work in the county in which said offense is committed."

Sale of weapons to minors (chap. 155, p. 221).—Prohibits any person to sell or give to any minor any pistol, dirk, dagger, slung shot, sword cane, spear, or knuckles made of any metal or hard substance, bowie knife, or any other knife manufactured or sold for the purpose of offense or defense, without the written consent of the parent or guardian of such minor. Penalty, \$25 to \$200, or imprisonment in county jail ten to thirty days, or both, and during imprisonment may be put to work upon any public work in the county in which such offense is committed.

Receiving stolen property (chap. 28, p. 26, approved March 20, 1897).—Amends article 878, title 17, chapter 9, of the Penal Code of Texas so as to read as follows:

ART. 878. If any person shall receive or conceal property which has been acquired by another in such manner as that the acquisition comes within the meaning of the term theft, knowing the same to have been so acquired, he shall be punished in the same manner as if he had stolen the property.

NOTE.—Formerly the law read: "He shall be punished in the same manner as by law the person stealing the same would be liable to be punished."

County finances (chap. 30, p. 27, approved March 20, 1897).—Amends article 867, chapter 1, title 25, of the Revised Civil Statutes of the State of Texas relating to county finances.

Article 867 before amendment required the commissioners' court to examine the quarterly report of the treasurer and to enter an order upon the minutes of the court stating the approval thereof. As amended the article is enlarged and the court is required to actually inspect and count all the actual cash and assets in the hands of the treasurer belonging to the county at the time of the examination of his report, and the county judge and each of the commissioners are to make affidavit in writing that the requirements of the article have been complied with and the assets inspected and counted. The affidavits are to be filed with the county clerk and recorded in the minutes of the county commissioners' court and published in some newspaper published in the county.

Any county judge, county commissioner, or county clerk failing to comply shall be deemed guilty of a misdemeanor. Penalty, fine \$25 to \$500.

Maliciously throwing missiles or firing guns (chap. 41, p. 41).—Makes it a misdemeanor to fire guns, pistols, stones, or other missiles into railroad trains, depots, private residences, schoolhouses, churches, hotels, public or private tents, sailboats, or steamboats: Penalty, fine \$5 to \$1,000; confinement in the county jail from ten days to two years. During such term such convict may be put to hard labor.

NOTE.—Same as 793, Penal Code, but adds "public or private tents."

Destroying pecan trees (chap. 55, p. 53).—Section 1 forbids gathering pecan nuts upon inclosed land without the consent of the owner, lessor, or person in control, or to cut, destroy, or injure pecan timber unless done with the consent of the owner thereof. Violation, a misdemeanor: Penalty, fine \$5 to \$300, or imprisonment in the county jail not more than three months, or by both.

NOTE.—The motive of the act appears in section 2, namely, "As the pecan industry is now seriously suffering from and its existence jeopardized by wanton and reckless destruction of pecan trees by others than their owners, an act was passed April 20, 1871, forbidding the injuring of pecan or walnut trees under penalty of fine from \$25 to \$50."

Defining burglary (chap. 62, p. 65).—Amends article 838, chapter 6, title 17, Penal Code, so as to read as follows: "The offense of burglary is constituted by entering a house by force, threats, or fraud at night, or in like manner by entering a

house at any time, either day or night, and remaining concealed therein, with the intent in either case of committing a felony or the crime of theft."

NOTE.—Verbal change, not affecting the scope or character of the law.

Theft of horses, asses, and mules (chap. 67, p. 83).—Amends article 881 of the Penal Code, so as to read: "If any person shall steal any horse, ass, or mule he shall be punished by confinement in a penitentiary not less than two nor more than ten years."

NOTE.—Former penalty, not less than five nor more than fifteen years.

Disturbance of religious worship (chap. 78, p. 102).—Amends article 193, chapter 1, title 7, of Penal Code, so as to read as follows:

"Any person who, by loud or vociferous talking or swearing, or by any other noise or in any other manner, wilfully disturbs any congregation or part of a congregation assembled for religious worship and conducting themselves in a lawful manner, or who wilfully disturbs in any manner any congregation assembled for the purpose of conducting or participating in a Sunday school, or to transact any business relating to or in the interest of religious worship or a Sunday school, and conducting themselves in a lawful manner, shall be fined in any sum not less than twenty-five nor more than one hundred dollars."

NOTE.—The Penal Code added to the penalty now provided, "and may be imprisoned in the county jail not exceeding thirty days."

Stock running at large (chap. 87, p. 112).—Forbids anyone to wilfully turn out or permit to run at large, within a county or subdivision of the county in which the stock law has been adopted, any stock prohibited by law from running at large. Violation, a misdemeanor. Penalty, fine \$5 to \$50.

Bond investment companies (chap. 94, p. 118).—Requires bond investment companies doing business in the State of Texas to deposit certain sums of money or securities with the State treasurer.

SEC. 3. Any person doing business in violation of the provisions of this act guilty of a misdemeanor. Penalty, fine \$100 to \$1,000 for each offense, or imprisonment in county jail from thirty days to six months, or both.

Practice of dentistry (chap. 97, p. 123).—Regulates the practice of dentistry, and provides for the appointment of dental examiners.

Formerly the members of the board of examiners were appointed by the judge of each judicial district. The new law creates a board of examiners of six practicing dentists, to be appointed by the governor and to serve for a term of two years.

A new feature also is section 6, which requires every practicing dentist to be registered with the board of examiners within six months after the passage of the act, upon which the board shall issue to him a certificate.

SEC. 11. The members of the board shall receive the compensation of \$5 per day for each day actually engaged in the duties of their office, to be paid from fees received by the board under the provisions of this act.

SEC. 13. Violation, a misdemeanor. Penalty, fine \$25 to \$300 for each offense.

NOTE.—Former penalty, \$100 to \$200.

Insolvent banks (chap. 100, p. 130).—Makes it a felony for any president, director, or officer of any bank or banking institution, private bank, or trust company doing business in the State of Texas to receive money or other valuable property after he shall have knowledge that such bank or banking institution is insolvent or in failing circumstances.

Penalty, imprisonment in penitentiary from two to ten years. The failure of any such bank or institution shall be prima facie evidence of knowledge on the part of such officers that the same was insolvent or in failing circumstances when the money or property was received on deposit.

Taxation of insurance, telephone, and other corporations (chap. 104, p. 140, approved April 30, 1897).—Amends various articles of chapter 9, title 104, of the Revised Civil Statutes relating to the taxation of insurance, telephone, sleeping, dining car, and other corporations.

A substantially new article, carrying with it a penalty, is article 5243k, which imposes a tax of 10 cents for every 100 miles on each dining or sleeping car on any line of railroad wholly or in part within the State. The tax is to be paid quarterly to the State treasurer, and companies are required to make quarterly reports to the State comptroller of the number of miles each and every such car has been transported over any line of railway wholly or in part within the State. It is made the duty of every conductor, agent, or employee operating such car to make said report.

Failure of the corporation or its employees to make such report within thirty days after the termination of any quarter of the year a misdemeanor. Fine, \$50 to \$100, and each day after the said thirty days have expired shall be deemed a separate offense.

Chapter 120, p. 168, approved May 15, 1897, amends the law above passed at the same session and approved April 30, 1897. The phraseology is changed without changing the essential character of the law, but in article 5243k there is an important change. Instead of the tax of 10 cents for every 100 miles on each dining or sleeping car the tax imposed is $2\frac{1}{2}$ per cent of their gross receipts from all of their passenger travel originating in and ending in this State. This tax to be in addition to that now levied by law. The penalty for failing to report is changed from \$50 to \$100 to \$60 to \$100, and \$25 additional shall be forfeited for each day in which said report and the payment of the tax is delayed.

Perjury (chap. 107, p. 146).—Amends article 207, chapter 1, title 8 of the Penal Code so as to read:

ART. 207. The crime of perjury, except as in cases provided for in article 208 of the Penal Code, shall be punished by imprisonment in the penitentiary for a term not more than ten years nor less than two years.

NOTE.—The only change is, "except as in cases provided for in article 208 of the Penal Code."

Assessors and national banks (chap. 112, p. 157).—Requires the president, vice-president, or cashier of national banks to furnish the tax assessor or his deputy with a sworn statement showing the names of the shareholders, the amount of stock owned by them, their place of residence if known, the amount of notes issued by such bank, the amount of money on hand or in transit, the amount of indebtedness of such bank, and the amount of paper evidencing indebtedness acquired by such bank either at par or at a discount. Failure to furnish such a statement a misdemeanor. Penalty, fine \$100 to \$1,000 and confinement in jail from ten to thirty days.

Immoral publications (chap. 116, p. 160).—The law is as follows:

SEC. 1. Every person or persons who shall, within this State, engage in the business of editing, publishing, or disseminating any newspaper, pamphlet, magazine, or any printed paper devoted mainly to the publication of scandals, whoring, lechery, assignations, intrigues between men and women, and immoral conduct of persons; or any person or persons who shall knowingly have in his or her possession for sale, or shall keep for sale or distribute, or in any way assist in the sale, or shall gratuitously distribute or give away any such newspaper, pamphlet, magazine, or printed paper in this State shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than two nor more than five years.

NOTE.—The Penal Code, 365, made the penalty for indecent publication a fine not exceeding \$100.

Scab disease among sheep (chap. 125, p. 179).—Section 1 makes it unlawful to import into the State or to move from one county to another any flock of sheep in which one or more of those animals are infected with scab. Violation, a misdemeanor: Penalty, \$200 for each offense.

NOTE.—Former penalty act of December 28, 1861, for bringing infected sheep into the State, \$500 to \$5,000, and act of April 23, 1893, the same.

SEC. 2. Any person having knowledge of the existence of scab on sheep owned by him or in his charge who shall fail or refuse to dip in some preparation known to be effectual in curing scab all flocks of sheep in which one or more such animals are infected within twenty days after such knowledge or notice has been received shall be guilty of a misdemeanor: Penalty, \$100 to \$200. Every successive twenty days a failure to dip such sheep shall be considered a separate offense.

NOTE.—Former penalty, not less than \$50 nor more than \$200.

SEC. 4. Any person refusing to permit the examination provided for in section 3 of this act shall be guilty of a misdemeanor: Penalty, fine of \$100 to \$200.

NOTE.—Former penalty, \$100 to \$500.

Glanders in horses and mules (chap. 150, p. 216).—Section 1 forbids any person to trade or sell any animal of the horse or ass species known or suspected to be affected with glanders: \$15 to \$100 or imprisonment in county jail ten to ninety days.

Pool and billiard tables (chap. 154, p. 221).—SEC. 1. Any person, firm, or corporation engaged in running any pool or billiard table or tables in a public place or for profit, or agent of such person, firm, or corporation, who shall knowingly permit

any minor, without the written consent of such minor's parent or guardian, in such place of business shall be fined not exceeding \$200.

NOTE.—New as to minors. "Pool" was made illegal by act of March 26, 1887, with fine of \$25 to \$100 and imprisonment from ten to ninety days.

A board of plumbers (chap. 163, p. 236).—Requires cities to provide for a board of plumbers, to be known as the examining and supervising board of plumbers. Said board to consist of a member of the local board of health, the city engineer, the chief plumbing inspector, a master plumber of not less than ten years, continuous business experience, and a journeyman plumber of not less than five years' active, continuous, practical experience. The mayor and the local board of health shall make said appointment.

SEC. 2. The board shall examine all persons now engaged in the business of plumbing, whether as a master plumber, employing plumber, or journeyman plumber in their respective cities, and to all persons who hereafter may wish to engage in the business of plumbing they shall issue licenses and keep a record of the same.

SEC. 6. Any person working at or conducting the business of plumbing without license, as provided in this act, shall be guilty of a misdemeanor: Penalty \$5 to \$250.

State text-book board (chap. 164, p. 238, approved June 10, 1897).—Creates a State text-book board to procure for use in the public free schools of the State a series of uniform text-books. The State board of education, together with the State superintendent of public instruction, the president of the Sam Houston Normal Institute, and the attorney-general, shall constitute such board.

Describes the duties of said board.

SEC. 11. Any teacher or trustee who shall violate the provisions of this act shall be deemed guilty of a misdemeanor: Fine, \$10 to \$50 for each offense, and every day of such violation shall be considered a separate offense.

Section 16 states the motive of the act. The fact that many publishers of school text-books have entered into conspiracies and combinations against competition, rendering it impossible to procure school books at fair and reasonable prices, and the further fact that the people of this State are being put to great and unnecessary expense by constant changes of the text-books to an extent that is rapidly destroying the efficiency of our public school system.

Fees and compensation of various officers (chap. 5, p. 5, approved June 16, 1897, to take effect December 1, 1897).—A law prescribing the fees to be charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs, and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, sheriffs, and various other officers.

SEC. 14. Any officer named in section 10 of this act and also the sheriff who shall fail to charge up the fees or costs that may be due under existing laws or shall fail to make the report required in section 11 of this act or who shall pay his deputy or assistant a less sum than the amount specified in his sworn statement or receive back any part of such compensation allowed such deputy or assistant as a rebate shall be deemed guilty of a misdemeanor: Penalty, \$25 to \$500.

SEC. 21. Any district clerk who shall issue any attachment or subpoena for any witness except upon an order of court or upon the written application signed and sworn to by the defendant or State's counsel stating that such witness is believed to be a material witness shall be deemed guilty of a misdemeanor: Penalty, \$25 to \$500.

Mob violence (chap. 13, p. 40, approved June 19, 1897).—Section 1 enacts that "whenever two or more persons shall combine together for the purpose of mob violence, and in pursuance of said combination shall unlawfully and willfully take the life of any reasonable creature in being by such violence, such person shall be deemed guilty of murder by mob violence, and upon conviction thereof shall be punished by death or confinement in the penitentiary for life, or according to the degree of murder to be found by the jury; provided, nothing in this section shall be so construed as to in any way affect the law in regard to manslaughter as defined in chapter 14, title 15, of the penal code of the State of Texas.

Section 2 relates to the prosecution of such offenses.

Section 3 declares that officers permitting any person in their custody charged with crime to be killed by one or more persons shall be deemed guilty of misconduct and removed from office; and the custody of a deputy shall be the custody of his principal. Proceedings for the removal of said officers shall be conducted by the attorney-general or under his direction in the name of the State, and shall be commenced by filing in the district court of the proper county a petition addressed to the judge of the court setting forth the grounds of removal.

Sections 4, 5, and 6 relate further to procedure of removal.

Section 8 gives the motive of the bill, "the fact that there is no adequate law in this State for the suppression of mob violence."

Intoxicating liquor—Cold storage and local option (chap. 99, p. 128).—Section 1 defines cold storage as any house, room, tent, or any other place run, kept, or maintained for the purpose of storing or keeping cold any intoxicating liquor for others, whether for pay or otherwise, or any place where the owner or his agent may take orders for intoxicating liquor. Forbids any such cold storage within the limits of any county, precinct, city, town, or subdivision of a county which has or may hereafter at a legal election held for that purpose adopt the local option law. Violation, misdemeanor: Penalty, \$100 to \$500, and in addition thereto shall be imprisoned in the county jail from twenty-five to one hundred days.

The act does not prohibit the storing of intoxicating liquors in unbroken packages by manufacturers or wholesale dealers in such local option places which may be there stored for distribution in unbroken packages to dealers outside of local option districts nor does it prohibit brewers from storing their own products to be distributed in unbroken packages to dealers living outside of local option territory.

Intoxicating liquors to minors (chap. 32, p. 30, approved March 22, 1897).—Amends chapter 6, article 400, of the penal code of the Revised Statutes of the State of Texas, relating to the sale or gift of intoxicating liquors to minors, to read as follows:

Any person who shall knowingly sell or give or cause to be sold or given or shall procure or caused to be procured for delivery any spirituous, vinous, or intoxicating liquor to any other person under the age of 21 years, without the written consent of the parent or guardian of such minor, or some one standing in their place or stead, shall be fined not less than \$25 nor more than \$100.

NOTE.—Inserts the words "shall procure or cause to be procured for delivery."

GAME LAWS.

Fish, birds, game (chap. 98, p. 125).—Amends various sections of the revised penal code of 1895 in relation to the protection of fish, birds, and game.

Article 529d as amended requires persons engaged in the business of fishing or catching green turtle or terrapin to be licensed. Violation, misdemeanor: Fine \$10 to \$250.

Article 529g changes the boundaries of fishing grounds: Penalty for violation unchanged, namely, \$25 to \$200.

Two new articles are added, namely, articles 529s and 529t. Article 529s makes it unlawful to gather oysters from the public reefs or beds of the State for sale without having procured a license from the fish and oyster commissioner or his deputy. Violation, misdemeanor: Penalty, \$10 to \$250.

Article 529 declares it unlawful for any person gathering oysters for planting to sell or dispose of oysters so gathered at the time of gathering for any other purpose than planting. Violation, misdemeanor: Penalty, \$50 to \$500.

Other articles are slightly amended.

Nets, seines, etc. (chap. 148, p. 213).—Forbids the use of certain devices, such as seines, drag nets, fykes, etc., for catching fish, green turtle, loggerhead, terrapin, or shrimp, in any of the bays or navigable waters of the State within the limits or within 1 mile of the limits of any city or town in the State. Violation, misdemeanor: Penalty, \$25 to \$200.

Protection of wild game (chap. 149, p. 214, approved May 27, 1897).—Protects the wild game birds and wild fowl of the State and forbids the sale or shipment of the same. Violation, misdemeanor: Penalty, \$10 to \$100.

This does not prevent the sale or purchase of game in the county where it was killed or taken, nor the sale or shipment of wild ducks and geese.

Sec. 3. The netting of quail and partridges at any season of the year is prohibited. Violation, misdemeanor: Fine, \$10 to \$100.

Sec. 4. It is made unlawful to destroy wild geese or wild ducks by any other means than by an ordinary gun, capable of being held to and shot from the shoulder. Violation, misdemeanor: Penalty, \$10 to \$100.

Sec. 5. Unlawful to kill any wild, English, or Mongolian pheasants or antelope for the space of five years after this act takes effect. Violation, misdemeanor: Penalty, \$10 to \$100.

Section 6 establishes a close season for deer, forbids their being hunted by hunting

lamp at night, or to ensnare them; also establishes close season for various birds. Violation, misdemeanor: Fine, \$10 to \$100.

SEC. 7. It is made unlawful for any express company, railroad company, or common carrier to transport beyond the limits of the State animals or birds or water fowl mentioned in section 1. Violation, misdemeanor: Penalty, \$25 to \$200.

NOTE.—This is a general law with more uniform penalties.

Fish (chap. 153, p. 219).—Section 1 forbids the killing of fish by means of nets, traps, poison, or dynamite, or in any other manner than with the ordinary hook and line, or trot line, in any of the fresh waters, lakes, and streams of this State. Violation, misdemeanor: Fine, \$25 to \$100. Minnows may be taken for bait by nets, but not by poison or dynamite.

SEC. 2. It shall be unlawful for any person to sell or offer to sell or ship any game fish, including white perch, trout, or bass, taken from any of the fresh waters, lakes, and streams of this State. Violation, misdemeanor: Penalty, \$25 to \$100. Then follows a list of 238 counties which are exempted from the operation of section 2 of this act, and in five counties the exemption applies except from February to June, inclusive.

ROAD LAWS.

Rains County (chap. 35, p. 32).—An act to create a more efficient road system for Rains County.

This act is based on previous laws. A road commissioner is substituted for a road superintendent, to be appointed by the commissioners' court.

Section 3 provides, as before, that county convicts not otherwise employed may labor upon the public roads, and each convict receives, as before, a credit of 50 cents on his fine and costs, but a new feature of section 3 is that the commissioners' court may provide such a reward, not to exceed \$25, to be paid from road funds, for the capture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape. The commissioners' court may grant a reasonable commutation of time for which a convict is committed as reward for faithful services and good behavior, in no case to exceed one-eighth of the whole time: *And provided further*, In case of such commutation the losses shall be prorated on the fines and the cost.

NOTE.—The provisions for the care of convicts follow closely existing statutes. The commissioners' court may provide the necessary houses, prisons, clothing, bedding, food, and guards, etc., provided it shall not be deemed necessary to provide additional prisons while such convicts can be successfully employed within reach of the county jail.

SEC. 10. A person legally summoned to work upon the road failing to attend or provide a competent substitute or to furnish team or tools, or, having attended, failed to perform good service, shall be deemed guilty of a misdemeanor: Penalty, from \$10 to \$25.

NOTE.—Section 10 is new. Revised Statutes, 4783, declares that persons liable to road duty failing to perform it "shall satisfy the fine and costs as in other misdemeanor convictions." Penal Code, 486, fine not less than \$10 nor more than \$50.

Wise County (chap. 56, p. 54).—An act to create a more efficient road system for Wise County. Makes the county commissioners ex officio road commissioners. Prescribes their duties as such and provides for the appointment of road overseers.

SEC. 8. Refusal of persons liable to work upon the public roads, or failure to furnish a substitute or to pay overseer \$1 a day for each day summoned to work, a misdemeanor: Penalty, fine not more than \$10.

SEC. 9. Overseers failing to comply with law, misdemeanor: Penalty, \$10 to \$25.

McLennan County (chap. 60, p. 60).—A similar law to those above in general provisions, and the misdemeanors and penalties are the same as that in Wise County above.

Hopkins County (chap. 73, p. 87).—Similar in scope, but varying in details from laws mentioned above. Penalty substantially the same. A new feature, however, as compared with the laws above, but found in act of April 20, 1893, is section 14, requiring owners to trim hedges within a reasonable time after notification by the road overseers. Violation, a misdemeanor: Penalty, not exceeding \$20 per week from and after the time of the receipt of such notice.

And the road overseer may cause the same to be trimmed, to be paid for out of the road and bridge fund of the county.

Ellis County (chap. 110, p. 150).—An act similar to the one above last cited, with similar penalties.

Milam County (chap. 119, p. 162).—In provisions and penalties similar to the laws above.

Calhoun County (chap. 123, p. 174).—Act similar to those above. No penalty, however, is prescribed for failure of persons to perform road duty. And the penalty for overseers failing to perform duty is \$10 to \$100 instead of \$10 to 25.

Parker County (chap. 159, p. 227).—An act to create a more efficient road system for Parker County. A law similar to those above, with the same penalties.

UTAH.

1897 and 1898.

Revision of the code.—A commission, authorized by the legislature, and appointed by the governor, to revise, codify, and annotate the laws of the State entered upon its duties in April, 1896, and in January, 1897, submitted its revision in the form of a printed bill, ready for enactment. The bill was enacted substantially as prepared, to take effect of January 1, 1898. The revised statutes, including the constitution of the State and of the United States, and the index, constitute a large volume of 1,224 pages.

The following is an analysis, prepared by the code commissioners, of the most important changes in the penal code.

Felony and misdemeanor defined.—SEC. 4063. A felony is a crime which is or may be punishable with death or by imprisonment in the State prison. Every other crime is a misdemeanor.

Penalty for felony.—SEC. 4064. Except in cases where a different punishment is prescribed by law, every offense declared to be a felony is punishable by imprisonment in the State prison not exceeding five years.

NOTE.—This is followed in same section by statement that corporation convicted of felony subject to a fine "of not less than \$500 and not more than \$10,000."

Penalty for misdemeanors.—SEC. 4065. Except in cases where a different punishment is prescribed by law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months or by fine in any sum less than \$300, or both.

There is an habitual criminal statute (R. S. 4067) for whoever has been previously twice convicted of crime, sentenced, and committed to prison in this or any other State, or once in this, or once at least in any other State for terms of not less than three years each, shall upon conviction of a felony committed in this State, other than murder in the first or second degree, be deemed to be an habitual criminal and shall be punished in the State prison for not less than fifteen years.

Preliminary provisions.—Section 4053, subdivision 4: The words "or an intent to do a wrongful act" are added to the definition of malice.

Section 4056: A new section providing that the power of impeachment, removal, deposition, or suspension shall not be affected by the omission to specify or affirm the same in the penal code.

Section 4064: A new provision that where a corporation is convicted of an offense which, if committed by a natural person would be a felony, and no other punishment is prescribed by law, such corporation is punishable by a fine of not less than \$500 nor more than \$10,000.

Section 5065 provides that corporate misdemeanors shall be punishable by a fine not exceeding \$1,000 in the absence of other provisions.

Section 4066 provides that conviction of a public officer for official misconduct shall involve, in addition to the prescribed penalty, a forfeiture of office and a permanent disqualification from afterwards holding any public office in the State.

Parties to crime.—Section 4076 enlarges the maximum limit of punishment for an accessory to crime. Except in cases where a different punishment is prescribed, an accessory is punishable by imprisonment in the State prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding \$5,000, or by both fine and imprisonment.

Crimes against the executive power.—Section 4080 provides that asking or receiving bribes by a person holding an executive office shall be a felony instead of a misdemeanor, as heretofore provided.

Crimes against the legislative power.—SECS. 4089–4103. This is an entirely new chapter. Preventing meetings of legislature is a felony; disturbing the legislature, a misdemeanor; altering draft of bills, altering engrossed copy of bill, giving or offering bribe to members, members asking or receiving bribe, members promising trade vote or influence, members trading vote or influence, corruptly soliciting official action of public officer, are declared felonies. Member failing to disclose personal interest in bill guilty of a misdemeanor. Every member voting for or against any measure on condition that the governor shall approve or disapprove, veto, or sign any such measure, or nominate or remove any person or persons from office, shall be deemed guilty of a felony. Senator voting upon the condition that the governor shall nominate or refuse to nominate for appointment any person to any office in the State shall be guilty of felony. Witnesses refusing to attend or testify before legislature, guilty of a misdemeanor. Lobbying for hire a felony. Testimony must be given in such cases, though incriminating, with the provision that such testimony shall not afterwards be used against the witness except for perjury.

Corruption of judicial officers.—SEC. 4107. An amplification of existing statute respecting attempts to corruptly influence a juror, referee, etc.

SEC. 4109. A new section, making the drawing of jurors fraudulently a misdemeanor.

Escapes from prison.—SEC. 4114. Every prisoner confined in the State prison for a term less than for life, who escapes, or attempts to escape, is punishable by imprisonment in the State prison for a term not less than one year nor more than ten years, said second term of imprisonment to commence from the time he would otherwise have been discharged from said prison.

SEC. 4115. An attempt to escape from other than the State prison shall be a misdemeanor.

Falsifying evidence.—SEC. 4132. A new section. Unlawfully influencing witness a misdemeanor.

SEC. 4133. Preparing false evidence a misdemeanor.

SEC. 4134. Destroying or concealing evidence a misdemeanor.

Kidnapping.—Sections 4173 and 4174 define and punish kidnapping. Penalty, imprisonment in State prison one to ten years.

Assault and battery.—Section 4195 increases the maximum punishment for assaults with deadly weapons from three to five years.

Criminal libel and slander.—SEC. 4200. A new provision—that it is unnecessary that the words or writing complained of should have been read or seen by another if the accused parted with the custody of the libel under circumstances exposing it to be read or seen.

SECS. 4206, 4207. New sections, providing that if any person shall orally or otherwise falsely impute to any female a want of chastity he shall be deemed guilty of a criminal slander. Penalty, fine \$100 to \$1,000 or imprisonment in county jail not exceeding one year, or by both. In any prosecution it shall not be necessary for the State to show that such imputation was false, but that the defendant may show the truth of the imputation and the general reputation for chastity of the female alleged to be slandered.

Abortion.—SEC. 4227. A new section providing that any woman shall be liable to punishment for producing or attempting to produce a miscarriage on herself, unless the same is necessary to preserve her life. Penalty, imprisonment in State prison one to five years.

NOTE.—The penalty for administering drugs or using instruments to procure miscarriage, unless necessary to preserve the life of the woman, is imprisonment in the State prison from two to ten years.

Gaming.—Section 4263 provides that fraudulent winning shall be punishable as in case of larceny of property of like value.

NOTE.—Larceny is divided into two degrees, grand larceny, petit larceny; grand larceny when the property taken is of a value exceeding \$50 and when the property is taken from the person of another; larceny in other cases is petit larceny. Grand larceny is punishable by imprisonment in the State prison from one to ten years; petit larceny by fine in any sum less than \$300 or by imprisonment in the county jail not exceeding six months, or by both.

Public health and safety.—Section 4274, subdivision 4, makes it unlawful to construct or maintain any corral, yard, or vat for sheep shearing or dipping within 12 miles of any city, etc., the former law having read 7 miles. Violation a misdemeanor.

SECS. 4283 and 4284. Selling impure vinegar prohibited.

Section 4285 provides that vinegar barrels shall be labeled.

Section 4286 provides that diluted vinegar shall be labeled.

SEC. 4287. Violation of the vinegar law a misdemeanor, and vinegar subject to forfeiture and spoliation.

Section 4292 provides for the punishment of intoxicated street-car employees. Made a misdemeanor as in case of steam-railroad employees.

SEC. 4299. A new section, making it an offense to sell intoxicating liquor within 10 miles of an Indian reservation, except in incorporated cities or towns. Penalty, fine \$5 to \$200, such fines to be deposited in the county treasury of the county in which the offense is committed.

Crimes against public property.—SEC. 4317. A new section, punishing as a felony the making profit out of public money or using the same for any purpose not authorized by law.

Burglarious tools and deadly weapons.—Section 4339 makes it a misdemeanor to make burglarious tools or have them in possession.

SEC. 4340. A misdemeanor to carry a deadly weapon with intent to assault another.

Larceny.—SEC. 4359. Amended by omitting subdivision 3, which will make the larceny of animals punishable as grand or petit larceny, according to the value.

SEC. 4369. Failure of a butcher to faithfully record the description, age, size, color, or marks and brands of cattle killed by him, together with the name of the person from whom received, and the date of the killing of the same, punishable by fine not exceeding \$100 for each offense.

False personation and cheats.—Section 4398 makes fraud in sale or mortgaging of real property without the wife's consent a felony.

Section 4399 contains modified provisions affecting the salting of mines and fraudulent assays.

False weights and measures.—Section 4407 provides the punishment for short weight. Violation a misdemeanor.

Frauds relating to corporations.—SEC. 4413. Additional provisions respecting fraud or misconduct by agents of corporations.

SEC. 4414. Private bankers who make false reports guilty of misdemeanor.

Injuries to railroads.—Section 4423 changes the punishment for destroying any part of a railroad or placing obstructions thereon from a misdemeanor to a felony, punishable by imprisonment not exceeding ten years.

Malicious mischief.—SEC. 4434. Injuring or destroying a canal, reservoir, etc., punishable by fine not exceeding \$500 or by imprisonment in the State prison not exceeding two years, or by both.

Injuring or interfering with telegraph or electric line.—SEC. 4465. A misdemeanor to interfere with electric-light, power, or telephone poles, etc., as well as those used by telegraph companies.

Altering mark or brand on animal.—Section 4474 changes the punishment of altering mark or brand on animals, which was from one to five years in State prison, by providing that such punishment shall be as in the case of larceny of property of like value.

Cutting green timber from public lands.—Section 4477 protects growing spruce, fir, and balsam trees on public lands.

General provisions.—Section 4495 defines attempts to commit crime.

Section 4496, subdivision 1, provides that the punishment for attempts to commit crime, where the maximum penalty for the offense so attempted is imprisonment for life, shall be for not more than twenty years.

VERMONT.

1898.

Felonies and misdemeanors.—Offenses which may be punished by death or by imprisonment in the State prison are felonies; all other offenses are misdemeanors. (Statutes, 1894, sec. 5166.)

NOTE.—The punishments are mainly, if not entirely, fixed by statute.

Truant children (No. 26, approved November 21, 1898).—Amends section 718, Vermont statutes, relating to the duties of a truant officer. The truant officer is

authorized, upon the written application of three voters in the town, to arrest a child who, under the provisions of this chapter, is required to attend school, and is habitually found in the streets or other public places, having no lawful occupation; he may take such child to the school of the town and place him in charge of the teacher, and give notice to parent or guardian, requiring him to cause the child to attend regularly. But a child between 8 and 15 years of age who is an habitual truant or who is guilty of willful and continued disobedience to school rules and regulations, or whose conduct is pernicious or injurious to the school, may be sent to the Vermont industrial school for a period of not less than twenty-six weeks. Justices of the peace and judges of municipal and city court shall have concurrent jurisdiction with the county court of offenses under this section.

NOTE.—The only important change is in the substituting "child" for "boy."

State's attorney clerks (No. 45, approved November 22, 1898).—Authorizes the State's attorney to take before the grand jury a clerk to take minutes of the testimony there given. The clerk is forbidden to disclose such testimony except to the State attorney or under the order of the county or supreme court.

SEC. 4. Penalty, fine \$100 to \$1,000 or imprisonment not to exceed one year or both.

Registration of births, marriages, and deaths (No. 59, approved November 30, 1898).—Provides for the registration of births, marriages, divorces, and deaths—an act in addition to chapter 137 of Vermont statutes.

SEC. 6. The penalty for the burial, cremation, or removal of the dead body of any human being without a certificate of permission shall be a fine of \$5 to \$500, or confinement in the house of correction not more than one year, or both, at the discretion of the court.

NOTE.—Penalty for burial and cremation, new; former penalty for unauthorized removal from place of burial, imprisonment in State's prison five to fifteen years, or fine \$1,000 to \$2,000, or both.

SEC. 7. It is made the duty of physicians, midwives, or other persons who may be present at the birth of a child to report to the town or city clerk within ten days the date, place of birth of such child, sex, etc. Parents are required to fill out certain form and the town clerk to record the births.

Penalty for violation of requirements of this section \$5, with costs of prosecution.

Section 8 imposes a penalty of \$5 upon any physician failing to furnish a certificate of death within thirty-six hours after any death of a person whom he has attended during his or her last illness, and health officers or town or city clerks issuing burial permits without first receiving a certificate of death shall forfeit a sum not less than \$10, and any such officer refusing to grant a certificate of permission for the burial, cremation, or removal of a dead body as herein provided shall forfeit and pay to the town or city not less than \$10.

SEC. 10. Town or city clerks failing to transmit to the secretary of the State board of health the returns of births, marriages, and deaths, as provided for in this act, shall be fined not less than \$20.

Voluntary patients in insane asylums (No. 64, approved November 26, 1898).—SEC. 1. The superintendent of an asylum for the insane may receive and detain therein as a voluntary patient or boarder any person who is desirous of submitting himself to treatment and makes written application therefore. Without the certificate of two physicians, as required by sections 3229 to 3242, inclusive, and 4558 of the Vermont statutes, in case of insane persons and inebriates, such person shall not be detained after having given to the superintendent a notice in writing that he desires to leave said institution.

SEC. 2. A person admitted to an institution under this act shall be subject to the rules and moral and medical and sanitary treatment thereof while such inmate.

SEC. 3. Any officer or person in charge of an asylum, hospital, or retreat for the insane who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$200, or imprisonment not exceeding one year, or both.

Railroad companies (No. 71, approved December 1, 1898).—Amends 3900 of the Vermont statutes. Railroads failing to comply with the two preceding sections shall be fined not more than \$1,000 or less than \$500. It is made the duty of the State attorney to prosecute.

The section referred to requires railroads to issue mileage books containing 1,000 coupons.

Fraternal beneficiary orders (No. 78, approved November 30, 1898).—The act places such orders and associations under the control of the insurance commissioners.

SEC. 6. Such association shall not employ paid agents in soliciting members except in the preliminary organizing of subordinate bodies, and such agents shall require no license. Persons failing to comply with the provisions of this act or soliciting members for associations not authorized to do business in the State shall be punished by a fine of not less than \$50 nor more than \$200.

SEC. 7. Physicians or members making false or fraudulent statements with reference to any application for membership shall be guilty of a misdemeanor: Penalty, fine \$100 to \$500, or imprisonment in house of correction from thirty days to one year, or both, in the discretion of the court. False statements under oath are punishable as perjury.

SEC. 8. Officers or agents acting for such associations when enjoined from doing business guilty of a misdemeanor: Penalty, fine \$25 to \$200, or imprisonment thirty days to one year, or by both.

Testing milk and cream (No. 81, approved November 19, 1898).—An act for the protection of dairymen, relating to testing milk and cream.

Section 1 provides that the superintendent of the dairy school of the University of Vermont and State Agricultural College shall designate some competent person to test the accuracy of bottles, pipettes, or other measuring glasses used in determining the value of milk or cream. Such bottles and measuring glasses shall be marked when inspected.

Section 2 provides that persons manipulating the Babcock test or any other test for the testing of milk or cream shall secure certificate from the superintendent of the dairy school of the University of Vermont and State Agricultural College of qualification for such work.

SEC. 3. Penalty for violation of this act, not more than \$25 for first offense; not more than \$50 for each subsequent offense.

Creameries and cheese factories (No. 82, approved November 29, 1898).—Requires owners of creameries and cheese factories to make and deliver monthly statements to their patrons of the number of pounds of milk or cream, together with the test and actual pounds of butter or cheese produced.

SEC. 6. Managers of creameries or cheese factories neglecting for the space of ten days, after request by any person, to comply with the provisions of this act shall forfeit to said person \$10 for each refusal, to be recovered by an action founded on this statute.

Concentrated feeding stuffs (No. 83, approved November 29, 1898).—Requires packages of commercial feeding stuff to have a plainly printed statement of contents, also name of brand and address of maker or importer and a chemical analysis with certain elements indicated.

Section 4 requires importers or manufacturers to file sample and statement with the Vermont Agricultural experiment station. An inspection tax of ten cents per ton is imposed.

SEC. 6. Any person selling such feeding stuff without the statement tax tag or with any misrepresentation on the label shall be fined not more than \$50 for the first offense; not more than \$100 for each subsequent offense.

Fraud in garden seeds (No. 84, approved November 29, 1898).—An act to prevent fraud in the sale of garden seeds.

SEC. 1. Every package of garden seeds offered for sale in the State of Vermont shall have the year in which they were grown plainly printed thereon: Penalty, \$10 for each offense.

Town liquor agencies (No. 88, approved November 22, 1898).—An act relating to the management of town liquor agencies.

SEC. 1. Each town agency for the sale of intoxicating liquors under the provisions of chapter 187 of the Vermont statutes is required to keep a book in which is to be entered the date of each sale made at the agency, the kind and quantity of liquor sold, and the name of each person to whom a sale is made. Such book shall be furnished at the expense of the town and be open to inspection.

SEC. 2. Penalty for violation by town agents, fine not exceeding \$20 or imprisonment in the house of correction not exceeding thirty days for each offense.

SEC. 3. It is made the duty of the auditors within fifteen days after making a settlement of a town or city liquor agency account to report the same to the State treasurer and to furnish the State auditor with a copy of such account. Any member of the board of auditors violating provisions of this section shall be fined not less than \$50.

NOTE.—Section 3 amends section 2 of No. 72, acts of 1894, by requiring itemized account of expenses; 2, by providing penalty.

Trespass (No. 101, approved November 29, 1898).—Amends section 4626 of Vermont statutes. Provides that if owner or occupant of inclosed land or cultivated land not inclosed conspicuously posts notices that shooting, trapping, or fishing thereon is prohibited, a person who thereafter willfully enters upon such land without the permission of the owner or occupant for the purpose of fishing, trapping, or shooting thereon shall forfeit \$10, to be recovered in an action for trespass, in addition to the damages sustained thereby.

NOTE.—Virtually former penalty.

Practice of medicine (No. 113, approved November 22, 1898).—Requires graduates of Canadian colleges to attend at least one course of lectures and pass the final examinations of some legally recognized medical college in the United States before they shall be entitled to practice medicine or surgery in this State.

SEC. 2. The act is not applied to physicians legally licensed prior to the passage of this act, or to physicians or surgeons residing in Canada who may be called into the State in consultation with the resident practitioner.

SEC. 3. Penalty for violation, \$50 and costs for each offense.

NOTE.—Section 1 is virtually an amendment of section 4632 Revised Statutes, which forbids non-resident without diploma to practice without certificate from board of censors.

Disinterment of deceased persons (No. 116, approved November 29, 1898).—Amends section 5004 of the Vermont statutes. Persons desirous of disinterring or removing the remains of a deceased person from one cemetery to another, or from one part of the same cemetery to another part, must obtain the consent of the health officer and the majority of the selectmen in the town, or of the aldermen in a city, in writing.

SEC. 2. The punishment for unauthorized disinterment or removal of human bodies is imprisonment from one to fifteen years or fine from \$100 to \$2,000.

NOTE.—Formerly authority given by a majority of the selectmen and justices in a town or common council and justices in a city.

Former penalty, section 2, imprisonment in "State prison" not more than fifteen years and not less than five years or fine of \$1,000 to \$2,000, or both.

Age of consent (No. 118, approved November 19, 1898).—Amends section 4908 and 4909.

Raises the age of consent from 14 to 16 years.

Such section as amended reads:

SEC. 4908. A person over the age of sixteen years who ravishes and carnally knows a female person of the age of sixteen years or more, by force or against her will, or unlawfully and carnally knows a female person under sixteen years of age with or without her consent, shall be imprisoned in the State prison not more than twenty years or fined not more than two thousand dollars, or both.

SEC. 4909. If a person under the age of sixteen years unlawfully and carnally knows a female person under the age of sixteen years with her consent, both persons shall be guilty of a misdemeanor, and may be committed to the Vermont Industrial School; and a person under the age of sixteen years, who unlawfully and carnally knows any female person by force and against her will shall be punished as provided in the preceding section.

Disturbing public peace (No. 120, approved November 16, 1898).—A person who disturbs or breaks the public peace by tumultuous and offensive carriage, by threatening, quarreling, challenging, assaulting, beating, or striking another person, shall be imprisoned not more than five years or fined not more than \$1,000, or both.

NOTE.—Amends section 5043 of Vermont statutes. Former penalty, imprisonment not more than one year or fine not more than \$500.

Gambling machines (No. 121, approved November 29, 1898).—A person who has, or keeps, or permits to remain in any place of public resort owned or occupied by him a Klondike machine or any other machine intended for the purpose of winning money by chance or hazard shall be fined not less than \$50.

Section 2 makes it the duty of sheriffs, constables, and police officers to seize without warrant such machines, and if after a hearing before a justice of the peace it is found that such machine was seized in a place of public resort the justice is to issue a warrant for its destruction.

Desecration of the national flag (No. 122, approved November 16, 1898).—Forbids the national flag or the coat of arms of the United States, or any imitation or representation thereof, to be used as an advertisement or to have advertisements printed thereon. Violation, fine from \$10 to \$100.

SEC. 2. The county courts and municipal courts shall have jurisdiction of all prosecutions for the violation of this act; also, justices of the peace shall have jurisdiction,

and may impose a fine to the extent of \$20 or they may bind over to the county courts.

Unlawful use of trading stamps (No. 123, approved November 26, 1898).—Forbids the unlawful use of trading stamps, coupons, and other devices on the sale or exchange of property: Penalty, fine \$20 to \$500.

Missisquoi River (No 150, approved November 16, 1898).—Forbids mill owners or operators from depositing sawdust shavings or mill refuse in the waters of the Missisquoi River or its tributaries above Enosburg Falls: Penalty, fine \$20 to \$100.

Lake Morey (No. 151, approved November 22, 1898).—Section 1 forbids the obstruction by brush, trees, timber, etc., of waters of Lake Morey, in the town of Fairlee, or tributary streams: Fine \$5 to \$50.

Sec. 2. And if a person knowingly allows a boat owned or rented by him to float about said lake unoccupied for twenty-four hours he shall be punished as in the preceding section.

Registration of trade-marks (No. 158, approved November 22, 1898).—Provides for the registration of trade-marks adopted by any person or corporation.

Sec. 3. The penalty for counterfeiting such trade-marks is fine not more than \$1,000, or imprisonment not exceeding one year, or both.

Sec. 4. It is forbidden knowingly to keep for sale articles to which such forged trade-marks are affixed: Penalty as above.

Section 5 forbids any person or corporation to stamp goods with any word or words or general design which shall be wholly or in part the same, either in appearance to the eye or in sound of the ear, as the words or general design of any trade-mark adopted and recorded, and anyone who shall knowingly expose such packet for sale may be punished by imprisonment not exceeding one year or by a fine not more than \$500.

Contempt (No. 42, approved November 15, 1898).—SEC. 1. Imprisonment as punishment for contempt or to enforce orders, sentences, or decrees in contempt proceedings may be in the house of correction or the county jail.

GAME LAWS.

Fish under certain length (No. 91, approved November 26, 1898).—Amends section 4578 of the Vermont statutes, providing a penalty for taking fish under certain lengths: Fine \$1 to \$10 for each fish taken.

Shelburne Pond (No. 93, approved November 19, 1898).—Regulates fishing in Shelburne Pond; protects pickerel during close season: Penalty, \$5 for each fish caught.

Black bass and pike (No. 95, approved November 19, 1898).—Protects black bass, wall-eyed pike, or pike perch during close season; also muskellunge: Penalty, \$5 for each fish taken.

Landlocked salmon and lunge, etc. (No. 96, approved November 8, 1898).—Amends sections 4569 and 4577 of Vermont statutes; protects landlocked salmon, salmon trout, or lunge: Penalty, \$10 for each fish taken.

Use of nets (No. 97, approved November 16, 1898).—Amends section 4592 of the Vermont statutes. The having in possession, with intent to use, of a pound net, trap net, seine, gill net, set net, fyke, set line, fishing otter, trawl, or any electrical device for killing or stunning fish shall be fined \$100.

NOTE.—No. 98, approved November 17, 1898, gives a bounty to persons discovering and seizing seines, fykes, and various other unlawful devices for catching fish.

Game birds (No. 104, approved November 4, 1898).—Forbids the killing, purchase, or receiving or selling of certain birds: Penalty, \$10 for each offense.

Certain birds (No. 105, approved November 26, 1898).—Is an amendment of section 4612 of the Vermont statutes, prescribing a closed season for certain birds. The penalty for having eggs of these birds in possession is \$10 for each offense, and killing or having in possession the birds named the same fine.

Wild ducks and geese (No. 106, approved November 19, 1898).—Forbids the hunting or shooting of wild ducks or geese between the hours of 7 in the evening of one day and 5 in the morning of the following day: Penalty, fine \$10.

Fur-bearing animals (No. 107, approved November 19, 1898).—Any person engaged in trapping foxes, mink, muskrats, raccoons, beaver, or fisher shall visit his traps at least once in every forty-eight hours: Penalty for violation, \$5.

Distribution of fish (No. 103, approved November 21, 1898).—Any person making application for fish fry or fingerlings for distribution in the waters of this State who willfully deceives the commissioners in regard to the use to be made of said fish shall be fined \$50.

Bounties on noxious animals (No. 110, approved November 17, 1898).—Section 1 allows a bounty to persons killing the following animals: For a wolf, panther, or bear, \$12; for a lynx, \$5; for a fox, 60 cents; for a rattlesnake, \$1.

Sec. 5. If a person obtains from a town clerk a certificate by false, fraudulent, or deceitful practices and bad faith he shall be fined \$50.

Sec. 6. If a person takes a wolf, panther, bear, lynx, or fox out of a trap to defraud the owner of his bounty he shall pay to the owner of such trap, in addition to actual damages, \$30 for each wolf or panther, \$20 for each bear, \$10 for each lynx, and \$3 or each fox.

Cultivation of fish (No. 99, approved November 26, 1898).—An act providing for the closing of certain streams adapted to the cultivation of fish.

Provides for the closing of certain streams by the fish and game commissioners, with the consent of owners of lands through which private streams not boatable flow. Trout, salmon, and other varieties of fish may be introduced at the expense of the State. Notices shall be posted of the closing of such streams, and fishing in such waters shall thereafter at all times be forbidden. Penalty for violation, \$50.

VIRGINIA.

1897 and 1898.

Felony and misdemeanor defined.—Offenses are either felonies or misdemeanors. Such offenses as are punishable with death or confinement in the penitentiary are felonies; all other offenses are misdemeanors. (Code (1887), sec. 3879.)

No crime shall be punished with death unless it be directed by statute. (Sec. 3880.)

Punishment for misdemeanors.—A misdemeanor for which no punishment is prescribed by statute shall be punished by fine or confinement in jail, or, in the discretion of the jury, by both. (Sec. 3902.)

For misdemeanor no fine by jury less than \$5 or by a justice less than \$2.50. (Sec. 3904.)

Amending the Code.—An act to amend and reenact section 1220 of the Code of Virginia, etc. (Chap. 14, p. 12, approved December 20, 1897.)

Section 1220 of the Code of Virginia is amended and reenacted so as to read as follows:

Sec. 1220. *Penalty for violating any of the five preceding sections.*—Any corporation, company, association, or any agent or employee of either, or any other person, who shall violate any of the provisions of the five preceding sections shall forfeit for each violation not less than one hundred dollars, one half for the use of the informer and the other half for the use of the Commonwealth: *Provided, however,* That if such violation of the five preceding sections be an excessive charge for transporting or carrying any articles or things, and within ten days after demand, at the place where paid, such excess over the proper charge be returned to the party paying the same, then the penalty or forfeiture above provided shall not be enforced.

This act shall be in force from its passage.

Bonds.—House joint resolution to make it the duty of the attorney-general to procure copies of the official bonds of treasurers and clerks of courts and other papers and ascertain if they contain inaccuracies or defects, and to take action to protect the Commonwealth if such defects or inaccuracies exist, and to prescribe a penalty for the failure or refusal of any clerk to furnish information to the attorney-general when called upon. (Chap. 18, p. 15, approved December 22, 1897.)

The penalty for such refusal, fine not less than \$50 nor more than \$500.

Commercial fertilizers.—An act to amend and reenact section 2 of an act entitled "An act to protect and advance agriculture by regulating the sale and purity of commercial fertilizers," etc., approved February 24, 1890, as amended by an act approved March 8, 1894. (Chap. 24, p. 22, approved December 22, 1897.)

The section provides that manufacturers or dealers in commercial fertilizers shall pay annually to the commissioner of agriculture a registration fee of \$100. He must also submit a written or printed statement setting forth the names and brands under

which his fertilizers are to be sold, and stating various other facts. Also a statement giving the per centum of the ingredients of said fertilizers.

NOTE.—No new penalty is prescribed.

Labels and trade-marks of labor organizations.—An act to protect labels, trade-marks, terms, etc., of labor associations and organizations. (Chap. 33, p. 28, approved January 5, 1898.)

Section 1 provides that whenever any person or any association of workmen has adopted a label or trade-mark it shall be unlawful to counterfeit or imitate it.

The counterfeiting or imitating of such label, design, or device shall be punished by a fine of not more than \$100, or by imprisonment for not more than three months.

Section 3 provides for the registration of such labels or trade-marks with the secretary of state.

SEC. 4. Any person who procures the filing of such label or trade-mark by false or fraudulent representation shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction, and shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding three months.

SEC. 6. The use of the genuine label by any person not authorized so to do by any such person, union, or association a misdemeanor: Penalty, imprisonment not more than three months or by fine not more than \$100.

SEC. 7. The unauthorized use of the name or seal of any such person, association, or union, or officer thereof, in or about the sale of goods, or otherwise, a misdemeanor: Penalty, imprisonment not more than three months or fine of not more than \$100.

Sanitary regulations, Henrico County (chap. 34, p. 31, approved January 5, 1898).—The board of supervisors, on complaint of public nuisances within the boundary described in this act, shall notify the occupant, tenant, or owner.

Penalty for failure to obey notice and clean premises, not less than \$1 nor more than \$5, and each day the failure to cleanse continues after the imposition of said fine shall be a separate offense.

Criminal conspiracy to cause wife to commit adultery.—An act to make a conspiracy between a husband and any other person or persons to cause a wife to commit adultery a felony and to provide a punishment therefor. (Chap. 40, p. 38, approved January 8, 1898.)

If any husband shall conspire with any other person or persons to cause the wife of such husband to commit adultery for the purpose of securing from her a divorce or for any other purpose, and any act in furtherance of such conspiracy is done, the said husband shall be confined in the penitentiary not less than ten nor more than eighteen years. And if any person or persons shall conspire with any husband to cause the wife of such husband to commit adultery for any of the purposes aforesaid, and any act in furtherance of such conspiracy is done, such person or persons shall be confined in the penitentiary not less than five nor more than eighteen years.

Seats for female employees.—An act to require employers of females in stores, shops, offices, or manufactories, as clerks, operators, or helpers in any business, trade, or occupation, to provide seats for such female employees, and providing a penalty for failure or refusal to provide such seats. (Chap. 53, p. 45, approved January 12, 1898.)

SEC. 2. If any employer of female help in the State of Virginia shall neglect or refuse to provide seats, as provided in this act, or shall make any rules, orders, or regulations in his shop, store, or other place of business requiring females to remain standing when not necessarily employed in service or labor therein, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be liable to a fine therefor in a sum not to exceed \$25, with costs, in the discretion of the court.

Adulteration of candy (chap. 56, p. 50, approved January 12, 1898).—Prohibits the manufacture for sale of any candy adulterated by the mixture of terra alba barytes, talc, or any other mineral substance or poisonous colors or flavors, or any other ingredients injurious to health: Penalty, fine not exceeding \$200 nor less than \$20. The candy so adulterated shall be forfeited and destroyed under the direction of the court.

Size of barrels for agricultural products.—An act to regulate the size of barrels used for shipment of agricultural products, commonly called truck. (Chap. 77, p. 80, approved January 20, 1898.)

SEC. 1. On and after August 10, 1898, it shall not be lawful for any person in the

State of Virginia to use in the shipment of those agricultural products commonly called truck a barrel of less size and dimension than as follows, to wit: The heads or ends shall not be less than 17 inches; the staves shall not be less than 27½ inches; inside measurements at bilge not less than 18½ inches, and the height of barrel from the bottom head to the top end of the stave shall not be less than 26 inches; single head or double head, from head up 24½ inches. Any person violating this section shall be fined not less than \$1 nor more than \$5 for each offense, and the use of each barrel so prohibited shall constitute a separate offense.

Section 2 prescribes that all barrels manufactured or offered for sale after the 10th of August, 1898, used in the shipment of truck shall be of not less dimensions and of not less capacity than the barrels prescribed in section 1.

Penalty for violation, fine not less than \$1 nor more than \$5 for each offense. The manufacture and offering for sale of each barrel so prohibited shall constitute a separate offense.

Nothing contained in sections 1 and 2 shall apply to the use or sale of ordinary flour barrels or of half barrels, boxes, or crates; and section 4 says that the provisions of this act shall not apply to barrels used for the shipment of apples.

The act shall be in force from the 10th of August, 1898.

Dogs subject of petit larceny (chap. 118, p. 128, approved January 26, 1898).—Amends the code of Virginia so as to read: "All dogs in the cities of Richmond, Manchester, Petersburg, and Alexandria, and in the county of Henrico and the county of Dinwiddie, and all dogs listed for taxation in any county or city of the State shall be deemed personal property, and may be the subject of petit larceny and malicious or unlawful trespass."

Imitation butter.—An act to prevent deception in the manufacture and sale of the imitation of butter. (Chap. 146, p. 147, approved January 29, 1898.)

Forbids the manufacture and sale of all imitations of yellow butter produced from pure, unadulterated milk or cream; provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds, in a separate and distinct form, and in such manner as will advise the customer of its real character, free from coloration or ingredient that causes it to look like butter.

Section 2 reads that it shall be unlawful for any keeper or proprietor of any bakery, hotel, tavern, licensed boarding house, restaurant, saloon, lunch counter, or place of public entertainment to use oleomargarine, butterine, or kindred compound, either in baking, making, or cooking of bread, cakes, pies, crackers, meat, fish, fowl, or other edibles; or to serve the same to guests or patrons without first posting and exhibiting in their respective bakeries, stores, restaurants, and dining rooms in a conspicuous public place, in large Roman letters not less than 1 inch square, a sign or placard with this inscription: "Imitation butter used here."

Violation of any of the provisions of section 1 or 2 punishable by a fine not less than \$50 nor more than \$250 or by imprisonment in the jail of the county or corporation in which the offense is committed for a term not exceeding six months.

Justices of the peace shall have jurisdiction to impose the penalty.

Boarding-house keepers (chap. 148, p. 149, approved January 29, 1898).—Defines boarding-house keepers and amends previous acts.

Section 70 provides that "any person who shall keep a boarding house without a license shall pay a fine of not less than \$5 nor more than \$20 for each day he may keep the same.

Vestibule fronts for street cars.—An act to require city and street railway companies to use vestibule fronts on all cars run on their lines during the months of December, January, February, and March of each year. (Chap. 181, p. 197, approved February 1, 1898.)

The companies are not required to close the sides of the vestibules, and the provisions of the act do not apply to the street railway lines of the city of Petersburg.

Any street railway company failing to comply with said requirements is subject to a fine from \$10 to \$100 for each offense.

Sale by peddlers (chap. 201, p. 224, approved February 2, 1898).—Section 32 prescribes licenses for peddlers.

Penalty for selling without a license, fine of \$100 to \$500 for each offense, one-half of which shall go to the informer.

Students and gaming (chap. 228, p. 253, approved February 8, 1898).—The act amends and reenacts section 2838 of chapter 132 of the code of Virginia relating to dealings with students and gaming. It prohibits money being lent or advanced, or

anything sold or let, or for playing billiards, pocket billiards, pool, and bagatelle on credit to the students of any incorporated college in the State without the previous permission in writing of his parent or guardian, or the authorized officer of such institution. In such cases nothing shall be recovered therefor, and there shall be more-over forfeited to the institution \$20 and the amount or value of such money or other thing.

Theft of electric current or gas (chap. 229, p. 254, approved February 8, 1898).—The act prohibits the diversion of the electric current or the unlawful use of electricity or gas the injury or destruction of meters, pipes, conduits, wires, etc.

Violation, misdemeanor: Penalty, fine \$25 to \$200 or confinement in jail not more than one year, or by both such fine and imprisonment.

Taxation of ships, etc. (chap. 301, p. 335, approved February 11, 1898).—The act imposes additional duties upon the examiner of records of the several judicial circuits with the view of ascertaining and reporting for taxation the valuation of all ships, tugboats, barges, etc. The examiner of records has authority to summon before him owners, firms, or agents of corporations, requiring answers under oath to questions touching the ownership or valuation of such property, and should such owner, agent, etc., refuse the information requested, he shall be liable to a fine from \$10 to \$100.

Profane swearing and drunkenness.—An act to amend and reenact section 3798 of the Code of Virginia prohibiting profane swearing and drunkenness. (Chap. 304, p. 342, approved February 11, 1898.)

The section provides that if any person arrived at the age of discretion profanely curse or swear or get drunk, he shall be fined by a justice \$1 for each offense. As amended, "Nothing herein contained shall apply to any city or town having police regulations on this subject."

Trading stamps and gift enterprises.—An act to prohibit the use of trading stamps, trading checks, and similar gift enterprises, and providing a punishment for those who use them. (Chap. 406, p. 442, approved February 19, 1898.)

1. No person shall sell, or offer for sale, any article or merchandise, of any description whatever, with the promise, express or implied, to give or deliver, or in any manner hold out the promise or gift or delivery of any ticket, check, metal or paper stamp, or other written or printed promise or assurance, express or implied, that the said ticket, check, metal or paper stamp, or written or printed promise or assurance may be used in payment or purchase of, or exchange for, any other articles of merchandise from any other person or corporation.

2. It shall not be unlawful for any merchant or manufacturer to place tickets or coupons in packages of goods sold or manufactured by him, such tickets or coupons to be redeemed by such merchant or manufacturer either in money or merchandise, whether such packages are sold directly to the consumer or through retail merchants; nor shall it be unlawful for any person to give out with such package tickets or coupons so given out by such merchant or manufacturer.

3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000 or be imprisoned in jail not exceeding six months, or both, in the discretion of the justice or the jury trying the offense.

Slot machines (chap. 425, p. 458, approved February 21, 1898).—Imposes a tax of \$2.50 a year for each slot machine of any description.

Penalty, the same as for violating the general license law.

Adulteration of flour.—An act to prevent the adulteration of flour. (Chap. 460, p. 493, approved February 23, 1899.)

Provides that wheat flour adulterated by the addition of corn starch, corn flour, barley flour, or other adulteration, shall not be exposed for sale unless each package is marked "combination," and beneath this word shall be plainly stamped on every barrel, box, or other package the name and percentage of each ingredient used. Failure to do so or misstatement of ingredients a misdemeanor: Penalty, fine \$25 to \$100 for each offense, or imprisonment in jail not less than sixty days, or both, in the discretion of the court.

Railroad signals.—An act to prevent the injuring, destroying, or removing of any switch lamp, flag lamp, or other signal used by any railroad and to provide punishment therefor. (Chap. 474, p. 506, approved February 24, 1898.)

If any person maliciously injure, destroy, or remove any switch lamp, flag, or other signal used by any railroad whereby the life of any traveler, employee, or other person is or may be put in peril, he shall be punished by confinement in the penitentiary

not less than two nor more than ten years; and in the event of the death of any traveler, employee, or other person resulting from such malicious injuring, destroying, or removing, the person so offending shall be deemed guilty of murder, the degree to be determined by the jury. If such act be done unlawfully, but not maliciously, the offender shall, in the discretion of the jury, be confined in the penitentiary not less than one nor more than five years, or be confined in jail not exceeding twelve months and fined not exceeding \$500. And in the event of the death of any traveler, employee, or other person, resulting from such unlawful injuring, destroying, or removing, the person so offending shall be deemed guilty of murder or of manslaughter, as the jury may determine.

Junk dealers (chap. 492, p. 522, approved February 24, 1898).—An act to require junk dealers to keep certain books and exhibit the same, to make a report of certain articles received or purchased by them, and prescribing penalties for failing to do so.

1. Every junk dealer shall keep at his place of business a book, or books, in which shall be fairly written in English an accurate description of each article purchased or received by him (except rags, bones, old scrap iron other than gas pipe, and paper), with the price paid therefor, together with the name, residence, occupation, and a correct description of the person from whom he received the same. The said book shall at all times be open to the inspection of any sheriff, sergeant, constable, or police officer of the county or corporation in which such junk dealer shall do business.

Every junk dealer doing business in any city or town shall, every day (except Sunday) before 11 o'clock in the forenoon, deliver to the chief of police of such city or town, on a blank form to be prescribed by such chief of police, a legible and correct transcript from his book or books of his transactions of the previous day. No junk dealer shall sell, melt, change the form of, or dispose of any article bought or received by him which he is required by this act to make record of and report within five days after such report.

Any junk dealer who shall fail to keep such book, or who shall, on demand, fail or refuse to exhibit the same to any sheriff, sergeant, constable, or police officer, or who shall fail or refuse to make a correct report as required by this section, or who shall in any other respect violate the provisions of this act, shall be deemed guilty of a misdemeanor, and for each offense shall, on conviction thereof, be punished with a fine of not less than \$10 nor more than \$100.

2. If any junk dealer shall have in his possession any article which is proved to have been stolen, except rags, bones, old scrap iron other than gas pipe, and paper, the receipt or purchase of which he has not recorded in the book which he is required to keep, or which he has not reported, as prescribed by the preceding section, he shall be deemed guilty of the larceny thereof.

Quarantine (chap. 538, p. 568, approved February 28, 1898).—Adds a section to act approved February 26, 1877, providing for inspection and quarantine of travelers by land and of cars and other vehicles of railroad companies, and other carriers, and of freight and baggage for the quarantine district of the Elizabeth River and its branches, and of the city of Norfolk and the city of Portsmouth and the county of Norfolk.

Any person coming into this district by land from a place infected with a dangerous, contagious, or infectious disease, may be compelled to perform quarantine.

Any such person who shall before he is discharged travel in this State, unless it be to return by the most direct route to the State from which he came, or any railway company or other carrier which shall refuse or evade compliance with the provisions of this section, shall be fined \$100 for each offense.

Telephone and telegraph lines (chap. 560, p. 587, approved February 28, 1898).—Prohibits malicious injury to telephone or telegraph lines or the tapping of such lines. Violation, misdemeanor: Fine, \$50 to \$200, or imprisonment in the county jail for not more than six months, or by both fine and imprisonment, at the discretion of the court.

Protection of fruit trees (chap. 567, p. 592, approved February 28, 1898).—Empowers the board of control of the State Agricultural Experiment Station to take immediate action to suppress and eradicate this insect.

It is made unlawful to sell or give away or transport plants infested with the insect. Penalty: Fine, \$50 to \$100.

Power of inspection is given to the agents and employees of the Agricultural Experiment Station. Any person who obstructs them in the discharge of their duties is guilty of a misdemeanor: Fine, \$20 to \$50.

Gaming (chap. 617, p. 656, approved March 1, 1898).—Amends section 3820 of code of Virginia to read as follows:

If a keeper of an ordinary house of entertainment or barroom permit unlawful

gaming at his house, or at any outhouse, booth, arbor, or other place appurtenant thereto or held therewith, he shall be fined \$100, and shall forfeit his license and give surety for his good behavior for one year, or in default of such surety be confined in jail not exceeding four months.

Cigarettes, County of Accomac (chap. 622, p. 663, approved March 1, 1898).—Imposes a special license for cigarette dealers of \$10 per annum. Violation, misdemeanor: Fine, \$5 to \$25.

Attempts to poison (chap. 461, p. 682, approved March 1, 1898).—Section 3669 of the code of Virginia is amended and reenacted so as to read as follows:

"If any person administer or attempt to administer any poison or destructive thing in food, drink, medicine, or otherwise or poison any spring, well, or reservoir water with intent to kill or injure another person, he shall be confined in the penitentiary not less than three nor more than eighteen years."

Combinations of fire insurance companies (chap. 644, p. 683, approved March 1, 1898).

It is made unlawful for any fire insurance company to enter into any combination with other fire insurance companies for the purpose of controlling rates charged for fire insurance on property in this State.

All fire insurance companies are required to file on the 1st day of March in each year with the auditor of public accounts an affidavit of some officer or agent, setting forth the fact that the company has not in the twelve months previous entered into any trust, combination, or association for the purpose of preventing competition in insurance rates in this State.

Any false statement in said affidavit shall be deemed perjury. Penalty: Fine, from \$100 to \$1,000 and confinement in the penitentiary for one year, or, in the discretion of the jury, by confinement in jail for a period not less than thirty days nor more than twelve months.

The license of the companies may be revoked for three years. For violation of any of the provisions of the act by any company, fine not less than \$500.

Merry-go-rounds (chap. 645, p. 684, approved March 2, 1898).—Reenacts section 87 of act approved March 6, 1890, to provide for the assessment of taxes, etc. Persons exhibiting or operating hobby-horse machines or merry-go-rounds shall pay a tax of \$10 for each county, but in the county of Accomac such person shall pay the sum of \$50 for such privilege as a license tax; and in the said county all fairs or industrial expositions shall pay an additional license tax of \$5 a day a day or \$20 per week.

Any person operating such machine without having paid the specific amount therefor shall pay a fine of not less than \$20 nor more than \$50.

Beneficiary associations.—An act to define and regulate fraternal beneficiary associations, orders, or societies (chap. 688, p. 734, approved March 3, 1898).

The penalties prescribed relate to officers acting for any order or subordinate body thereof within this State while it shall be enjoined or prohibited from doing business pursuant to this act or to persons acting as officers or agents for any such order which shall have neglected or refused to comply with this act. In either case the violation is a misdemeanor punishable by a fine of from \$25 to \$100.

Tax on telephone and telegraph companies (chap. 702, p. 752, approved March 3, 1898).—Telegraph or telephone companies required to take a license. Any person violating the provisions of this section shall pay a fine of not less than \$100 nor more than \$400 for each offense.

Corporal punishment for minors (chap. 833, p. 859, approved March 3, 1898).—An act to empower any judge or justice of the commonwealth before whom a minor under 16 years of age is convicted of a misdemeanor to substitute stripes in lieu of fine and imprisonment, or of either, with the consent of the parent or guardian of such minor.

1. *Be it enacted by the general assembly of Virginia,* That when any minor under sixteen years of age is convicted of a misdemeanor the justice or judge before whom such conviction is had may, if the parent or guardian shall inflict on such minor such punishment as the court may think adequate, then the court shall discharge such minor from custody.

2. The stripes imposed under this act shall be administered by the sheriff or any constable of the county or sergeant of the corporation wherein the conviction is had upon the order of the judge or justice imposing the sentence, and at such time and place as the said judge or justice may direct. The parent or guardian shall have the right to be present when such stripes are administered.

Coal and mineral veins (chap. 838, p. 864, approved March 3, 1898).—An act in relation to working coal and other mineral veins in the counties of Henrico and Goochland.

No owner or tenant of any land containing coal within the aforesaid counties shall open, or sink, or dig, excavate, or work in any mine or shaft on such land within 40 feet of the line dividing said land from that of another person without the consent in writing of every person interested in or having title to such adjoining lands in possession, reversion, or remainder, or of the guardian of any such person as may be an infant.

Penalty, \$500 to anyone who may sue for the same.

Bureau of labor and statistics (chap. 863, p. 894; also chap. 1007, p. 1032).—The act establishes a bureau of labor and industrial statistics in the State of Virginia.

2. It shall be the duty of said bureau to collect, assort, systematize, and present in annual reports to the governor, to be by him biennially transmitted to the legislature, statistical details relating to all departments of labor, penal institutions, and industrial pursuits in the State, especially in their relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industries of the State.

Sections 3 and 4 of this act were amended at the same session (chap. 1007), approved March 4, 1898. Section 4 as amended reads as follows:

"The commissioner shall have power to take and preserve testimony, examine witnesses under oath and administer the same; and in the discharge of his duties may, under proper restrictions, enter any public institution of the State, and any factory, workshop, or mine. The commissioner may also furnish and deliver a written or printed list of interrogations to any person, company, or the proper officer of any corporation, and require full and complete answers to be made thereto and returned under oath within thirty days of receipt of said list of questions; and if any person who may be sworn to give testimony shall wilfully fail or refuse to answer any legal and proper question propounded to him concerning the subject of such examination, as indicated in the second section of this act, or if any person to whom a written or printed list of such interrogations has been furnished by said commissioner shall neglect or refuse to fully answer and return the same under oath, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be fined in a sum not exceeding one hundred dollars nor less than twenty-five dollars, or by imprisonment in the county jail not exceeding ninety days, or by both fine and imprisonment: provided, however, that nothing in this act shall be construed as permitting the commissioner or any employé of this bureau to make use of any information or statistics gathered from any person, company or corporation for any other than the purposes of this act."

Killing of trees (chap. 864, p. 895, approved March 3, 1898).—The act amends sec. 3586 of the code of Virginia so as to read as follows:

Sec. 3856. If any person kill a tree within the distance of 50 feet of a road, or so cut or injure it as to render it liable to fall, and leave it standing, or knowingly and willfully, without lawful authority, break down, destroy, or injure any bridge, bench, or log placed across a stream for the accommodation, or any sign board, mile stone or post for the direction of travelers, or obstruct any road or any ditch made for the purpose of draining any such road, or willfully ride any horse, mule, or other animal, or use a bicycle, or drive any vehicle upon any sidewalk constructed along any highway through any unincorporated village, he shall be fined not less than \$1 or more than \$100, and in the discretion of the court be confined in the county jail not exceeding sixty days.

Rafts and river obstructions, county of Halifax (chap. 896, p. 941, approved March 3, 1898.) The bill has the following preamble:

"Whereas persons owning land on Hyco River, in the county of Halifax, have allowed rafts and trees to blockade the bed of the said river, thereby overflowing the bottoms and forming bogs and ponds, and in the dry hot season from the decomposition of vegetable matter making a source of malaria from which most malignant and pernicious diseases are generated, which cause much distress, sickness, and death to the citizens in the vicinity of said river." The act therefore requires land owners "to cut out all rafts and trees to the center of the river, and get them out during the months of July and August of each year."

Land owners who fail to comply shall pay whatever costs and expenses are incurred in having the rafts and trees removed, and shall pay a fine of \$25 for such refusal to comply.

Municipal penalties.—Under town charters in Virginia, as in other States, limited powers to impose fines and penalties are granted to municipal authorities. Thus

in chap. 60, p. 68, relating to the town of Culpeper, the council has power to make and pass all needful orders, by-laws, and ordinances, not contrary to the constitution and laws of Virginia, and to prescribe, impose, and enact reasonable fines and penalties, with imprisonment in the county jail not exceeding thirty days in case of contempt, or to enforce the collection of a fine.

The town of Grundy (chap. 152, p. 156, Laws of 1898) may require bonds for good behavior, in a penalty not to exceed \$1,000 and imprisonment in the county jail not to exceed twelve months.

In the town of Emporia, page 182, the limit of penalties in section 144 is \$100 and six months' imprisonment.

In the town of Pulaski (chap. 190, p. 206, sec. 8) the council has power to enforce ordinances by penalties not exceeding the penalties fixed by the laws of the commonwealth for like offenses, and (sec. 9) the council may establish a chain gang and require offenders to work therein on the public streets, roads, or public buildings, as provided under the general law of the commonwealth.

ELECTION LAWS.

City of Charlottesville (chapter 59, p. 56, approved January 12, 1898).—The act prescribes various regulations for primary elections. Section 7 says:

Sec. 7. Any person who knowingly or wilfully votes or attempts to vote at such primary election contrary to the rules and regulations governing the same, or will fully violates any of the rules of the same, or who fraudulently registers for the purpose of voting, or any voter who shall vote under an assumed name or shall vote or attempt to vote more than once, or shall vote or attempt to vote in any way that would be illegal in a general election, or shall bribe or attempt to bribe or induce another to vote illegally, or shall receive any money, goods, or chattels for his vote, or any candidate who shall give to any voter or to any person who is not a member of a political party holding such primary election any money or thing of value for his vote, shall upon conviction thereof be guilty of a misdemeanor, and be fined not less than \$5 nor more than \$100, and be imprisoned in jail not less than one nor more than sixty days.

City of Richmond (chap. 86, p. 89, approved January 22, 1898).—This act amends and reenacts an act to legalize primary elections and conventions in the city of Richmond, approved February 23, 1894.

Section 5 provides that "any person who knowingly or wilfully votes or attempts to vote at such primary election or convention contrary to the rules and regulations upon which the same is conducted shall be deemed guilty of a misdemeanor."

Penalty, fine not less than \$100 nor more than \$300, or imprisonment in the city jail not exceeding twelve months.

Newport News (chap. 418, p. 452, approved February 21, 1898).—The penalty for voting contrary to rules and regulations is from \$100 to \$300 and imprisonment in the city jail not exceeding twelve months.

Counties of Clarke and Warren (chap. 652, p. 689, approved March 2, 1898).—Similar penalty to the above.

Henrico County (chap. 968, p. 994, approved March 4, 1898).—Amends chapter 398, approved February 20, 1896. Section 2 forbids anyone approaching the voting place nearer than 40 feet except the voter engaged in the act of depositing his ballot, and he shall not remain within the reserved space of 40 feet longer than the time required to deposit his ballot, under the penalty of a fine of \$5 or ten days imprisonment in jail.

The introduction of this penalty is a new feature.

Violations of section 6, providing for the printing of official ballots and the counterfeiting or corrupt use of the same, a misdemeanor, punishable by a fine, \$50 to \$200, and imprisonment, not less than ten days nor more than three months in jail.

Violation of section 12, in regard to illegal voting, bribery, etc., fine, \$5 to \$10, or imprisonment in county jail from ten to thirty days, and perpetual disfranchisement for the person bribing, attempting to bribe, or receiving a bribe.

Judges of election.—An act to amend and reenact section 117 of the code of Virginia. (Chap. 832, p. 858, approved March 3, 1898.)

It is made the duty of the electoral board of each city and county to appoint three competent citizens as judges for all elections to be held in their respective election districts for the term of one year. Duties of the electoral board are further indicated.

"The members of any electoral board who shall wilfully fail to comply with this requirement shall be deemed guilty of a misdemeanor. Fine, from \$100 to \$500."

ROADS AND BRIDGES.

Culpeper County (chap. 101, p. 106, approved January 25, 1898).—Provides in much detail for the working of roads and construction of bridges.

The only penal feature is the fine imposed upon persons appointed overseers of roads who refuse to serve after being appointed; liability, a fine not exceeding \$50. Persons intentionally obstructing public roads or drains or not moving obstructions after due notice shall be liable to fine not exceeding \$50 for each offense.

Working out fines on public roads.—An act to empower the boards of supervisors of Giles, Pulaski, Craig, Lee, Wise, Dickenson, Buchanan, and Scott counties to require old fines and costs to be worked out upon the public roads and streets of the towns of said counties, and providing rules and regulations therefor. (Chap. 155, p. 159, approved January 29, 1898.)

The attorneys of the commonwealth in these counties are to furnish on or before the first day of June, 1898, to the board of supervisors of their counties a list giving the names and amounts of all fines and costs due the commonwealth. The board of supervisors are to give notice to those to whom fines and costs are due that they can voluntarily work out the same at the rate of \$1 per day with their nearest road overseer.

The act fixes October 1, 1898, as time within which such work may be done, but board of overseers may give reasonable additional time. Upon a failure to pay said fines and costs the delinquents are to be arrested under a *capias pro fine*, and when so arrested shall be required to work out said fines and costs at the rate of 50 cents per day, under such control and supervision as the several boards of supervisors may designate, upon the streets of the towns or roads of the respective counties as the several boards of supervisors may designate, and under such provisions as to confinement in the county jail or otherwise, when not employed during the period of working out said fines, as the board of supervisors may adopt.

In case of bodily infirmity or other sufficient cause the board of supervisors may grant exemption from work, but this shall not operate as a release from the fines and costs due by such parties.

Obstruction of roads.—An act to prevent the obstruction of public roads in the counties of Buchanan and Dickenson. (Chap. 160, p. 162, approved January 29, 1898.)

The act prohibits the obstruction of public roads by felling trees or placing timber in the same, or by any fencing in or on the right of way. Anyone hauling log or lumber wagons and thus injuring the road is required to repair the same within forty-eight hours.

Violation, misdemeanor; penalty, from \$5 to \$100 for each offense.

Shenandoah County.—An act to provide for the establishing, altering, and building the public roads and bridges in the county of Shenandoah, and for working and keeping the same in repair. (Chap. 230, p. 254, approved February 8, 1898.)

The duties of commissioners are prescribed in section 6, and for each and every breach of duty the commissioner shall be deemed guilty of a misdemeanor and fined not less than \$5 nor more than \$20.

County of Patrick (chap. 829, p. 851, approved March 3, 1898).—Sec. 21. The board of supervisors, with the consent of the county court, or the judge thereof in vacation, shall have power, and the said board is hereby authorized, to employ upon the county roads, or any portion thereof, all vagrants and convicted criminals confined in the county jail and all persons confined in said jail in default of the payment of fines imposed upon them; said persons to be worked under the supervision of the said superintendents of roads and bridges of the several districts, subject to such rules and regulations as the said board may prescribe. But in such case the board, maintenance, and cost of guarding such prisoners where necessary shall be paid for out of the road tax of the district in which they may be worked.

Counties of Scott and Lee (chap. 339, p. 375, approved February 14, 1898).—An elaborate road law. Section 23 provides that any member of the board of supervisors, or any other person appointed under the provisions of this act, failing to discharge his duty, or refusing to act when appointed, shall be proceeded against in the county court by a rule or summons in the nature of an information: Penalty, if guilty, fine not exceeding \$10. The costs in any such proceeding shall be taxed as they are in misdemeanors.

Wythe County (chap. 588, p. 614, approved February 28, 1898).—Sec. 14. All officers created by this law shall, for neglect of their duties, be deemed guilty of a misdemeanor, and upon conviction thereof may be fined not less than \$10 nor more than \$50.

In section 16 the commissioner is made liable to the same penalty.

Augusta County (chap. 653, p. 690, approved March 2, 1898).—An elaborate road law with similar penalties to others quoted.

For defacing or removing guideboard, a fine of \$5. For obstructing ditches or the drainage of roads, \$1 for every day continuous.

Overseers refusing to serve shall be liable to a fine, on presentment by the grand jury, not exceeding \$50.

Pittsylvania County (chap. 907, p. 949, approved March 3, 1898).—Prohibits obstruction of roads and ditches. Violation, misdemeanor: Fine not exceeding \$10.

Prince George County (chap. 915, p. 956, approved March 4, 1898).—Owners of mills over whose dam or pier head, etc., the road passes shall keep such dam in good order, and also a bridge leading thereto.

Fine, \$5 for every failure of twenty-four hours, but the fine shall not exceed in any case \$50.

Washington County (chap. 985, p. 1012, approved March 4, 1898).—Overseers refusing to serve liable to fine not exceeding \$20, on presentment by the grand jury. Failure to erect suitable indicators at crossroads: Fine, \$5; for defacing the same, \$5.

The obstruction of the waters of the county a misdemeanor: Fine, \$10 to \$25.

LIQUOR LAWS.

Liquor license (chap. 65, p. 71, approved January 17, 1898).—Amends and reenacts section 1 of an act entitled "An act to amend and reenact chapter 2 of an act approved March 6, 1890.

It prescribes the conditions for licensing the sale of ardent spirits, except cider, for wholesale and retail dealers.

Violation, misdemeanor: Penalty, fine not less than \$20, and in the discretion of the court by imprisonment not exceeding twelve months.

Cider in Highland County (chap. 71, p. 75, approved January 20, 1898).—Unlawful to sell as a beverage in the county of Highland any cider which will produce intoxication.

Violation, misdemeanor: Penalty, not less than \$20 nor more than \$50 for each offense, and may at the discretion of the court or justice be confined in jail not exceeding twenty days.

Maiden Springs, Tazewell County (chap. 302, p. 336, approved February 11, 1898).—The act relates to licenses in Maiden Springs magisterial district, Tazewell County, Va.

Penalty for failure to obtain license, fine \$30 to \$1,000 for each offense. If fines and costs are not paid at once the accused shall be committed to the calaboose of said town until the fine and cost be paid or he be discharged by due process of law. Any person found guilty of violating any provision of this section shall be required by the officer trying the case to give bond, with good security, in a reasonable sum, to be fixed by such officers, to be of good behavior for twelve months. If such person fail to give such bond, he shall be committed to the calaboose until he does give it or is discharged by due process of law.

Buena Vista (chap. 353, p. 401, approved February 17, 1898).—An act to prohibit the sale of intoxicating liquors within two miles of the city of Buena Vista.

Penalties are the same as imposed by the statute laws of the Commonwealth for the sale of spirituous liquors or ardent spirits without license.

Cider in Montgomery County (chap. 400, p. 438, approved February 19, 1898).—It is made unlawful to sell as a beverage cider which will produce intoxication. Violation, misdemeanor: Penalty, \$5 to \$50 for each offense, and may, at discretion of court, be confined in jail not exceeding twenty days.

Social clubs (chap. 443, p. 479, approved February 22, 1898).—Prescribes a tax for social clubs using ardent spirits at their clubhouse or other place of meeting. Failure to pay tax, misdemeanor: Penalty, fine \$20, or, in the discretion of the court or jury, imprisonment not more than six months.

If the said corporation chartered as a social club is conducted for the purpose of violating the laws of the State regulating the license and sale of liquors, the chart-

ered rights and franchises of said corporation shall cease and all persons concerned in the violation or evasion of such law shall be subject to the penalties of the laws of the State regulating the sale and license of liquor.

Selling liquor to minors (chap. 843, p. 870, approved March 3, 1898).—Amends section 3828 of the code of Virginia; forbids the sale or giving of intoxicating liquors to any minor or student of the public schools or any other institutions of learning.

Fine, from \$25 to \$300, and, in the discretion of the court, imprisonment in jail for six months; and the court shall require him to enter into a recognizance with security in a penalty not less than \$500 to be of good behavior for one year.

TAX LAWS.

Assessment and valuation of personal property.—An act to amend and reenact sections 494, 496, 497, and 498 of chapter 24 of code of Virginia relating to the assessment and valuation of personal property. (Chap. 36, p. 34, approved January 8, 1898.)

Section 497 provides that if any person subject to taxation on personal property and who is required to furnish answers to interrogatories fails or refuses upon application to make such answers and to take an oath to the truth and fairness thereof he shall forfeit not less than \$30 nor more than \$1,000 for each failure.

Section 498 provides that if any person refuse to exhibit to the commissioner or to his duly qualified deputies any property mentioned in the answers to the interrogatories, or required by this chapter to be taxed, in order that a fair valuation thereof may be assessed, he shall pay a fine of not less than \$20 nor more than \$100. No commissioner or any one of his deputies shall receive any answers as a sufficient return of personal property unless the same be sworn to according to law under a penalty of \$500 and removal from office.

Form of oath (chap. 342, p. 386, approved February 14, 1898).—This amends an act passed January 20, 1898. The auditor of public accounts, when he furnishes the necessary blanks, as above provided, shall include in the form of oath which he shall append thereto the statement that no part of the indebtedness claimed by the taxpayer as a deduction from the amount of all bonds, notes, stocks, and other evidences of debt due to such taxpayer is on account of the purchase of securities which are nontaxable. And, further, that no part of said indebtedness was created with a purpose to evade the payment of taxes, and anyone who shall sign and swear to a false list shall be deemed guilty of perjury.

Assessment of personal property (chap. 707, p. 756, approved March 3, 1898).—SEC. 4. Any bank, banking house, corporation, or person holding money or evidences of debt or personal property of any kind under the control of any court, or to the credit of any cause pending in said court, or to the credit of any receiver, commissioner, or fiduciary, shall upon application furnish the examiner of records with a statement or lists thereof; and any bank, banking house, corporation, or person refusing such statement or list, or failing to furnish the same, shall be liable to a fine of not less than \$10 nor more than \$25 for each day's failure to furnish the same after five days' notice to do so.

Oysters (chap. 965, p. 991, approved March 4, 1898).—Amends section 3, chapter 743, of acts of 1893-94 in relation to time of assessing for taxation oysters and shells. It specifies duties of inspectors and county clerks. Any inspector or clerk failing to discharge any duty imposed by this section shall be fined not less than \$20 nor more than \$100.

STOCK AT LARGE.

Hogs at large—Warren County.—An act to prohibit hogs from running at large in the county of Warren. (Chap. 329, p. 368, approved February 14, 1898.)

Owners of such animals who shall intentionally permit such animals to run at large shall be guilty of a misdemeanor: Penalty, \$5 for each offense.

Bath County.—Warm Springs Valley, and the valley of Hot Springs Branch, county of Bath. (Chap. 439, p. 476, approved February 21, 1898.)

Boundaries of the district given. Owners who shall permit hogs or swine to run at large in these districts guilty of a misdemeanor: Penalty, fine \$2 to \$10 for each offense. Each such animal allowed unlawfully to run at large to constitute a separate and distinct offense.

Accomac Court-House (chapter 488, p. 517, approved February 24, 1898).

Prescribes limits within certain boundaries. Owners who shall intentionally per-

mit such animals to run at large guilty of misdemeanor: Fine, \$1 to \$2 for each offense.

Russell County.—Section in the county of Russell, south of Clinch River. (Chap. 517, p. 550, approved February 26, 1898.)

Owners allowing hogs to run at large upon public roads subject to fine from \$1 to \$3.

Potts Creek, Alleghany County (chap. 674, p. 715, approved March 2, 1898).—Prohibits running at large of bulls, rams, or boar hogs. Penalty, \$5.

GAME LAWS.

County of Dinwiddie (chap. 10, p. 9, in force December 18, 1897).—No person shall kill or capture partridges or (quail) in the county of Dinwiddie while there is snow on the ground.

Penalty not less than \$5 nor more than \$20; one half of penalty to informer.

Muskrats, Accomac County (chap. 11, p. 9, approved December 20, 1897).—Regulates the hunting or trapping of muskrats in the county of Accomac. Capture or killing prohibited between 15th day of March and the 1st day of January of each year.

Violation, misdemeanor. Fine, \$5 for each offense.

Albemarle and Loudoun Counties (chap. 17, p. 14, approved December 22, 1897).—Protects Mongolian and English pheasants in Albemarle and Loudoun counties between the 1st day of March, 1898, and the 1st of March, 1901. It is made unlawful at any time in said counties to take or destroy the eggs of these birds.

Penalty for violation, fine \$10, and \$2.50 shall in addition be taxed as part of the costs, which shall go to the informer.

King William County.—An act to protect game and song birds in the county of King William and to prescribe a penalty for violation of this act. (Chap. 46, p. 41, approved January 11, 1898.)

The act prohibits the capture or killing of song birds at any time. It prohibits the killing of deer, partridges, wild turkey, and hare or rabbit between February 1 and November 1. It is made unlawful to kill or capture wild ducks at any time by means of artificial lights in the marshes of said county, and it shall be unlawful to shoot after dark in any marshes of said county which has been posted notifying persons not to shoot therein after dark.

Violation, misdemeanor: Penalty, not less than \$5 nor more than \$10 for the first offense, and not less than \$10 nor more than \$50 for a repetition of the offense.

Counties of Greenesville and Sussex (chap. 54, p. 46, approved January 12, 1898).—Deer protected January 15 to September 1; turkey and partridges protected February 15 to October 15; the taking and destroying of their eggs are unlawful at any time; unlawful to kill mocking birds at any time. Hares or wild rabbits protected between February 1 and October 1. It is unlawful to sell or offer for sale any partridge killed, captured, or obtained in the counties above.

Violation, a misdemeanor: Penalty, not less than \$2 nor more than \$5 for first offense, not less than \$5 nor more than \$10 for repetition of offense.

Counties of Gloucester and Mathews (chap. 67, p. 73, approved January, 1898).—Protects partridges between the first day of February and the first day of November of any year. Unlawful to take or destroy the eggs at any time, or to catch the birds with nets or traps.

Violation, misdemeanor: Penalty, fine not less than \$10 or imprisonment in jail not exceeding thirty days, or both.

Wild waterfowl—Counties of Chesterfield, Prince George, and Charles City (chap. 79, p. 82, approved January 22, 1898).—The hunting of wild waterfowl between the hours of sunset and sunrise is made unlawful within these counties; or to hunt wild waterfowl at any time within said waters with a brush or sneak boat.

Penalty, fine of \$5; in default of said fine imprisonment in the county jail not less than ten nor more than thirty days for each offense; for each subsequent offense, fine \$10, and imprisonment as aforesaid if fine is not paid.

Partridges in the counties of Cumberland, Chesterfield, and Powhatan (chap. 89, p. 93, approved January 22, 1898).—Partridges protected between first day of February and fifteenth day of October, each year.

Violation, misdemeanor: Fine, not less than \$5 nor more than \$20, or imprisonment not more than thirty days for each offense.

Destroying fish with dynamite in certain counties.—An act to make the use of dynamite in the destruction of fish in the waters of Craig, Bath, Highland, Alleghany, Smith, Bland, and Lee counties a misdemeanor, and providing for the punishment of the same. (Chap. 97, p. 103, approved January 25, 1898.)

Penalty, six months to twelve months in county jail or fine from \$100 to \$500, one-half of fine to the informer.

Fairfax County (chap. 102, p. 114, approved January 25, 1898).—Protects partridges, pheasants or ruffed grouse, Mongolian pheasants, rabbits, and wild turkeys, from January 1 to November 1.

Violation, a misdemeanor: Penalty, fine from \$5 to \$20, or confinement in jail till fine is paid, provided imprisonment shall not exceed thirty days.

Dan River.—To prevent the destruction of fish in Dan River, near Danville, Va. (chap. 105, p. 116, approved January 25, 1898.)

Owners of water power and dams are required to provide said dams with suitable fish ladders, so that the fish may have free passage up and down said river. If during the months of March, April, and May the water falls so low as not to run over the dam, the fishways may be closed, if necessary, for the operation of machinery run by water power.

For failure or refusal to comply, the owners of the dam will forfeit \$20.

It is made unlawful to take fish of any kind between the Southern Railway bridge and 100 feet above the upper dam across that river. Penalty for violation, fine not less than \$10 for each offense.

Partridges in Roanoke County (chap. 128, p. 132, approved January 26, 1898).—Partridges or quail protected between February 1 and November 1. Violation, misdemeanor: Penalty, \$10 for each offense, and imprisonment in county jail until fine be paid, not exceeding thirty days.

Counties of Buckingham and Cumberland (chap. 131, p. 135, approved January 27, 1898).—Protects game and song birds for definite periods. Violation, misdemeanor: Penalty, \$2 for each offense.

NOTE.—Note the low fine here and no imprisonment.

Albemarle County (chap. 143, p. 144, approved January 25, 1898).—Protects partridges, wild turkeys, and native pheasants for stated periods. Violation, misdemeanor: Fine not less than \$5 nor more than \$20, or, in discretion of the justice of the peace, may be confined in the county jail not more than fifteen days for each offense.

County of Rappahannock (chap. 156, p. 60, approved January 29, 1898).—Protects partridges between January 1 and November 1. Violation, misdemeanor: Penalty, \$5 to \$20. May be confined in jail until fine is paid, not exceeding thirty days.

County of King and Queen (chap. 174, p. 192, approved January 29, 1898).—Protects partridges, wild turkey, woodcock, and summer woodcock and deer for different periods. Penalty, fine \$10 to \$20, or imprisonment until the fine is paid.

NOTE.—There is no limitation of the time of imprisonment in the statute.

Counties of Allegheny, Bath, and Highland (chap. 237, p. 264, approved February 8, 1898).—The act protects mountain trout between July 1 and May 1. Between May 1 and July 1 it is made unlawful to catch mountain trout except by angling with hook and line.

Penalty, fine \$20 to \$50, and, at the discretion of court, confinement in jail not exceeding thirty days.

King George and Stafford counties (chap. 260, p. 287, approved February 9, 1898).—Protects partridges from January 5 to November 15, and woodcock January 1 to October 1.

Violation, misdemeanor: Fine not less than \$10, or imprisonment in jail not exceeding thirty days, or both.

County of Mecklenburg (chap. 331, p. 369, approved February 14, 1898).—Protects partridge, deer, wild turkeys, hares and rabbits at stated times, and prohibits killing of mocking birds, brown thrush, cardinal or red bird at any time.

Violation, misdemeanor: Penalty, \$5 for each offense, half to the informer.

Seines or traps (chap. 402, p. 439, approved February 19, 1898).—Applies to the waters of Accomac and North Hampton. Prescribes the fishing season. Penalty, for violation, \$50 to \$100, and all seines, boats, and other appliances used in such violation shall be forfeited to the Commonwealth.

Counties of Buckingham and Cumberland (chap. 428, p. 460, approved February 21, 1898).—Protects partridge, ruffed grouse, pheasant, and wild turkeys in these counties except from October 15 to February 15. Unlawful to kill mocking-birds or cardinal birds at any time. Violation, misdemeanor: Penalty, \$2.

Counties of Fauquier, Loudoun, and Prince William (chap. 429, p. 460, approved February 21, 1898).—Protects partridges, pheasants, ruffed grouse, Mongolian pheasants, wild turkey, between January 1 and November 1. Violation, misdemeanor: Fine, \$5 to \$20. On failure to pay, may be confined in jail not exceeding thirty days.

NOTE.—Notice the difference in penalty in the two preceding acts.

Charlotte County (chap. 502, p. 533, approved February 24, 1898).—Protects partridge, deer, and wild turkey at certain seasons. Violation, misdemeanor: Fine, \$1 to \$10 for each offense.

County Powhattan (chap. 529, p. 562, approved February 28, 1898).—Protects partridges between February 15 and October 15. Violation, misdemeanor: Fine, from \$5 to \$20, or imprisonment not more than thirty days for each offense.

County of Gloucester (chap. 578, p. 608, approved February 28, 1898).—Unlawful to kill wild turkeys between January 15 and November 1; unlawful to catch them with steel traps or to shoot them from baited blinds at any time. Penalty, \$5 to \$20.

Rockbridge County.—An act to regulate hunting partridges in Rockbridge County. (Chap. 5, p. 6, in force December 14, 1897.)

Prohibits the capture or killing of partridges between the 1st day of January and the 1st day of November of each year.

Penalty, misdemeanor: Fine not exceeding \$10 for each offense.

Counties of Amelia and Nottoway (chap. 6, p. 6, in force December 14, 1897).—An act for the protection of game and song birds in the counties of Amelia and Nottoway. Protects various birds, partridges, wild turkeys, mockingbirds, brown thrush, cardinal or red bird, also hares, rabbits, and deer.

Violation, misdemeanor: Penalty, fine \$5 for each offense.

County of Stafford (chap. 598, p. 631, approved March 1, 1898).—Unlawful to kill any rabbit or hare between the first day of February and the fifteenth day of September. Fine, \$1 to \$5.

County of Roanoke (chap. 616, p. 655, approved March 1, 1898).—Unlawful to kill deer or chase them with dogs with intent to kill between January 1 and August 15. Violation, misdemeanor: Fine, \$20.

Augusta County (chap. 683, p. 731, approved March 3, 1898).—Protects deer, partridges, pheasants, ruffed grouse; and wild turkeys for stated periods. Penalty, \$5 to \$20 for each offense; and railroad express companies shipping game outside of the State of Virginia, fine not less than \$20 for each offense.

Counties of Accomac and Northampton (chap. 686, p. 733, approved March 3, 1898).—Protects rabbits and various birds at stated seasons. Violation, misdemeanor: Fine, \$10 for each offense, and imprisonment until fine is paid, not exceeding ten days.

Counties of Accomac and Northampton (chap. 687, p. 733, approved March 3, 1898).—Makes it unlawful to kill wild turkeys or destroy their eggs in these counties; no time limit specified. Violation, misdemeanor: Penalty, from \$25 to \$100; confinement in jail until fine is paid, not to exceed thirty days.

Counties of Chesterfield, Prince George, and Charles City (chap. 689, p. 738, approved March 3, 1898).—Unlawful to shoot game of any description between the hours of sunset and sunrise upon the waters of the Commonwealth within these counties: Penalty, fine \$5; in default of said fine imprisonment in county jail from ten to thirty days for each offense; and for each subsequent offense fine \$10 and imprisonment as aforesaid.

Oysters (chap. 696, p. 745, approved March 3, 1898).—Regulates the taking of oysters in the waters of the Commonwealth: Penalty, \$10 to \$50 for each offense.

“If any person carry or attempt to carry any seed oysters out of the State at any time he shall be deemed guilty of a misdemeanor and upon conviction thereof a fine not exceeding \$500 each offense.”

Counties of Culpeper and Orange (chap. 802, p. 821, approved March 3, 1898).—Protects game and birds of various kinds. Violation, misdemeanor: Penalty, \$5 to

\$20; on failure to pay fine, confinement in jail until fine is paid, not to exceed twenty days.

Henrico County (chap. 803, p. 822, approved March 3, 1898).—It is unlawful to kill by any method trout in Fourmile Creek and Reedy Branch.

Violation, misdemeanor: Fine, \$5 for each offense.

Henry County (chap. 812, p. 829, approved March 3, 1898).—Protects partridges from February 1 to November 1; made unlawful to offer them for sale at any time or to export them from the county.

Violation, misdemeanor: Fine, \$10 for each offense. Imprisonment in jail until fine be paid, not exceeding twenty days, and half the fine to the informer.

Rockingham County (chap. 813, p. 830).—Amends act approved March 3, 1894. Protects game of various kinds. No new penalty attached.

Southampton County (chap. 814, p. 830, approved March 3, 1898).—Protects game of various kinds. Violation, misdemeanor: Penalty, first offense, \$5; second or any other repetition of said offense, \$10 to \$25.

Licenses to fish (chap. 839, p. 864, approved March 3, 1898).—Amends section 2086 of the code of Virginia; gives many details in regard to the conditions of licensing the use of nets, seines, etc., and prescribes fees. Oyster inspectors are to report to the board of fisheries or to some commander of the oyster navy the failure of any persons to conform to the provisions of this act. Such commander is empowered to arrest any such person and carry him before some justice of the peace, and upon conviction such person shall be fined from \$25 to \$200. Oyster inspectors who knowingly fail to report violations of this act or to perform any of the duties herein required shall forfeit \$100 for each offense.

Amherst and Nelson counties (chap. 845, p. 871, approved March 3, 1898).—Protects mountain trout in the Big Piney River. Violation, misdemeanor; Fine \$10, half to the informer and confinement in the county jail for not less nor more than thirty days.

NOTE.—Notice that thirty days is prescribed in addition to the fine and not in default of it as in most cases.

Pittsylvania County (chap. 909, p. 949, approved March 3, 1898).—Protects partridges between February 1 and November 1. Violation, misdemeanor; Fine \$10 for each offense and imprisonment in jail until fine be paid not exceeding thirty days.

Oysters (chap. 967, p. 992, approved March 4, 1898).—The act provides for the registration of any resident of the State who desires to take oysters for sale or planting on the eastern side of Northampton and Accomac counties.

Taking oysters without registration a misdemeanor. Fine \$10 to \$25. It provides also for the registration of skiffs and small boats used for taking oysters. Penalty for not registering boats, \$5 to \$25 for each boat.

Terrapins in various counties (chap. 982, p. 1007, approved March 4, 1898).—Amends an act approved February 4, 1892. Protects terrapins in various counties between May 1 and August 15. Penalty for taking or having in possession, fine \$200 and confinement in county jail not exceeding thirty days. The use of seines, nets, weirs, etc., during this period, punishable by a fine of \$250 and confinement in county jail not less than thirty days.

Rockingham County (chap. 994, p. 1024, approved March 4, 1898).—Unlawful to take mountain trout between August 1 and May 1, and unlawful to catch them at any other time except by angling with hook and line. Penalty, \$10 to \$15 for each offense, and, at the discretion of the court, confinement in jail not exceeding thirty days.

Oysters (chap. 997, p. 1026, approved March 4, 1899).—Amends act of March 5, 1894. Relates to the method of paying by tongmen the sum required by law. Penalty for violation, \$10 to \$100.

Section 8 relates to subrenting. Penalty, \$50 to \$100.

WASHINGTON.

1897.

Felony and misdemeanor defined.—A felony is punishable by death or imprisonment in the penitentiary. All other offenses are misdemeanors. (Codes and Statutes, sec. 6773.)

SEC. 6776. When the performance of any act is prohibitive by any statute, and no penalty for the violation of such statute is imposed, the doing of such act is a misdemeanor.

Punishment for misdemeanor.—SEC. 7435. Every person who is convicted of a misdemeanor, the punishment of which is not otherwise prescribed by any statute of this State, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding \$500, or by both such fine and imprisonment.

Solicitation of divorce business (chap. 7, p. 7, approved February 13, 1897).—SEC. 1. Whoever advertises, prints, publishes, distributes, or circulates, or causes to be advertised, printed, published, distributed, or circulated, any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or notice of any kind, offering to procure or obtain, or to aid in procuring or obtaining, any divorce, or the severance, dissolution, or nullity of any marriage, or offering to engage, or appear, or act as attorney, counsel, or referee in any suit for alimony or divorce, or the severance, dissolution, or nullity of any marriage, either in this State or elsewhere, shall be guilty of a misdemeanor. This act shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this State.

SEC. 2. Penalty, fine \$100 to \$500, or by imprisonment in county jail not more than six months.

Destruction of honeybees (chap. 12, p. 11, approved February 13, 1897).—Makes it unlawful to willfully poison honeybees or to willfully place any poisonous or sweetened substance for the purpose of injuring honeybees in any place where such substance is accessible to honeybees: Penalty, \$10 to \$100.

Dairy products (chap. 15, p. 14, approved February 16, 1897).—Amends sections 2 and 3 of act approved March 11, 1895, regulating the manufacture of dairy products, forbids the addition of borax, boracic acid, salicylic acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk. The act provides also for the stamping of cheese according to grade, as "skimmed, half skimmed, and full cream."

NOTE.—No change in penalty.

Vivisection and dissection (chap. 16, p. 16, approved February 17, 1897).—SEC. 1. No teacher or other person employed in any school in the State of Washington, except medical or dental schools, or medical or dental department of any school, shall practice vivisection upon any vertebrate animal in the presence of any pupil in said school, or any child or minor therepresent; nor in such presence shall exhibit any vertebrate animal upon which vivisection has been practiced.

SEC. 2. Dissection of dead animals or any portion thereof, in the schools of the State of Washington, in no instance shall be for the purpose of exhibition, but in every case shall be confined to the class room and the presence of those pupils engaged in the study to be illustrated by such dissection.

Penalty for violation, \$50 to \$100.

Requiring street railways to employ competent men (chap. 17, p. 17, approved February 18, 1897).—SEC. 1. Hereafter street railways or street-car companies or street-car corporations shall employ none but experienced and competent men to operate or assist as conductor, motorman, or gripman in operating cars or dummies upon any street railway or street-car line in this State.

Section 2 makes violation of section 1 by the president, secretary, manager, superintendent, or other officer of any street railway a misdemeanor: Fine, \$50 to \$200 or imprisonment in the county jail for a term of thirty days, or both, at the discretion of the court.

Discharge of ballast in navigable waters (chap. 18, p. 18, approved February 23, 1897).—Forbids the discharge of ballast in navigable waters where the water is less than twenty fathoms deep: Penalty \$75 to \$500.

Defining the crime of rape (chap. 19, p. 19, approved February 24, 1897).—Amends section 28 of the Penal Code so as to read as follows:

SEC. 28. A person shall be guilty of rape who

1. Shall, by force and against her will, ravish and carnally know any female of the age of eighteen years or more;

2. Shall, by deceit, deception, imposition, or fraud induce a female to submit to sexual intercourse;

3. Shall carnally know any female child under the age of eighteen years.

SEC. 2. Any person convicted of the crime of rape, as defined by section 1 of this act, shall be punished by imprisonment in the penitentiary for life or any term of years.

NOTE.—Former age 12 or more; penalty unchanged.

Disease among sheep (chap. 26, p. 25, approved February 26, 1897).—A substitute for act approved February 2, 1888. Provides for the inspection and quarantine of diseased sheep, and describes manner of inspection, and forbids the introduction of sheep into the State infected with the scab or other contagious or infectious diseases.

Section 11 makes it a misdemeanor for owners to neglect to quarantine their sheep or treat them for the cure of such disease, and for each day of neglect after a ten-days' notice they shall be guilty of a separate misdemeanor.

SEC. 16. Penalty for violation of act, \$50 to \$500.

NOTE.—Penalty the same.

Bureau of labor (chap. 29, p. 34, approved March 3, 1897).—Creates a bureau of labor, defines its duties, and appropriates money for its maintenance.

SEC. 4. Neglect to attend or testify at the time and place named in the subpoena a misdemeanor: Penalty, \$25 to \$100 or imprisonment in county jail not exceeding thirty days.

SEC. 5. Officers of the bureau are authorized to enter into factories, mills, mines, workshops, etc., for the purpose of gathering facts and statistics. Refusal to allow an inspector or agent of the bureau to so enter, a misdemeanor: Penalty, \$25 to \$100 or imprisonment in county jail not to exceed ninety days for each offense.

Registration of voters in school elections (chap. 32, p. 40, approved March 4, 1897).—Provides for the registration of voters in all school elections in school districts having a population of 10,000 or more inhabitants and regulating elections in such districts.

SEC. 10. Falsely swearing or falsely personating another a felony: Penalty, confinement in the penitentiary one to five years.

SEC. 12. If any person duly registered is challenged it shall be the duty of the judges of elections to examine the challenger and any witnesses that may be produced on oath touching the right of such elector to vote. False swearing shall be deemed perjury and subject to its pains and penalties.

Relating to recalcitrant witnesses (chap. 33, p. 46, approved March 6, 1897).—Any person failing to attend or to testify before any committee of either the house or senate of the State of Washington, or both, or refuse to produce papers or documents as required, shall be guilty of a misdemeanor: Penalty, not exceeding \$500, imprisonment in county jail not longer than six months, or by both.

Protection of certain manufacturers (chap. 38, p. 50, approved March 6, 1897).—An act to protect manufacturers, bottlers, and dealers in ale, porter, lager beer, soda, mineral waters, and other beverages from the loss of their casks, barrels, kegs, bottles, and boxes. Owners of such may file in the office of the secretary of state and in the office of the auditor of the county in which such articles are manufactured, bottled, or sold a description of names or marks used by them. The description is to be printed for six successive weeks in daily or weekly newspapers. It is made unlawful to fill such bottles, casks, etc., with beverages for sale, or to destroy, sell, or traffic in such bottles, etc. Violation, misdemeanor: Penalty, \$5 for each cask, barrel, keg, or box, and 50 cents for each bottle bought, sold, used, or wantonly destroyed, together with the costs of suit for first offense. For each subsequent offense, \$1 for each bottle and \$10 for the other vessels mentioned.

SEC. 3. The use or possession without written permission of rightful owner prima facie evidence of unlawful possession.

Electric meters and wires (chap. 41, p. 54, approved March 6, 1897).—Prohibits unauthorized interference with electric meters, wires, and cables. Violation, misdemeanor: Penalty, \$10 to \$100 or imprisonment in county jail not more than ninety days, or both.

Protection of coal miners (chap. 45, p. 58, approved March 6, 1897).—An act for the protection of persons working in coal mines revises previous legislation in various directions.

Section 4 provides that every mine shall be divided into districts or splits, but not more than 75 persons shall be employed at any one time in each district or split, and provides for the ventilation of each split by a separate and distinct current of air.

SEC. 6. Owner employing less than 10 men shall give notice to inspector. Such mines not subject to the provisions of this act. No coal mine shall be considered a coal mine for the purpose of enumeration in a district to increase the number of inspectors unless 10 men or more employed: Penalty for failure of owner or agent to comply with this provision, fine \$20 to \$100, with additional penalty of \$5 per day for each day said notice is neglected to be given.

Section 7 punishes infringements of the act according to secs. 2232 and 2238 of vol. 1, Hill's Code.

NOTE.—Section 2232, Hill's Code, declares certain offenses misdemeanors: Penalty, \$50 to \$200 or imprisonment three months to six months.

Section 2238, Hill's Code: Penalty for violating any provisions of the act of 1891 from \$200 to \$500.

Relating to trade-marks (chap. 47, p. 65, approved March 9, 1897).—This act takes the place of act of March 7, 1891. It protects the trade-marks of any person or of associations or unions of workingmen. The imitation or counterfeiting of such labels or trade-marks is made unlawful: Penalty, fine of not more than \$100 or imprisonment not more than three months. The same penalty is imposed for the making of any fraudulent representation to procure the filing of said trade-mark, or for the unauthorized use or display of the genuine label, or for the use of the name or seal, or for defacing or removing label or trade-mark.

NOTE.—Former penalty, fine in any sum not more than \$500.

Highways for bicyclists and pedestrians (chap. 53, p. 89, approved March 11, 1897).—The county commissioners of any county may set aside public highways not less than 4 feet wide for the exclusive use of bicyclists and pedestrians.

SEC. 2. It is made a misdemeanor to trespass upon any such side path by driving horses, cattle, or wagons thereon, or obstructing or damaging such path: Penalty, \$5 to \$50.

Insurance (chap. 65, p. 105, approved March 13, 1897).—An act to regulate and control insurance companies. Amends previous legislation.

Section 1 makes it unlawful for any insurance company doing business in the State to write or place policies except through duly authorized agencies doing business in the State of Washington, except in counties where there is no agent to write large policies.

Section 2 requires the publication of an annual statement of the condition of the company. A full synopsis to be prepared by the insurance commissioner.

SEC. 3. Penalty for violating any provisions of the act, \$500.

Section 7 imposes a tax of 2 per cent on premiums less the amount of losses actually paid policy holders of companies in the State of Washington or any other State in the territory of the United States and 3 per cent on corporations organized outside of the United States. Any organization failing to pay the tax within thirty days after the time specified shall be liable to a fine of \$100 for each additional day of delinquency.

Transportation rates (chap. 68, p. 113, approved March 13, 1897).—Section 1 forbids railroad companies or other common carriers doing business within the State to charge for hauling agricultural products in carload lots from one point within the State to another at a rate exceeding \$4.25 per ton for a distance of 350 miles and over; and at a rate exceeding 90 per cent of the rate actually in effect on the Northern Pacific Railway between the same points in the State of Washington on January 2, 1897, for any distance within the State. "Agricultural products" is defined to be corn, grain of all kinds, flour, feed, millstuffs, flaxseed, hay compressed in bales, hops compressed in bales.

SEC. 2. The maximum carload rate for fruit in boxes, barrels, or crates; potatoes, onions, and vegetables of all kinds in sacks, boxes, or barrels; and eggs in boxes, barrels, or cases; and butter in boxes, barrels or pails; and cheese, tallow, and lard in barrels, kegs, or cans, and wool in sacks, from one point within the State to another at a rate exceeding 80 per cent of the rate charged by said railroad or carrier for hauling or carrying a like kind of freight on the 2d day of January, 1897, on the basis of the rate charged by the Northern Pacific Railway Company on the 2d day of January, 1897.

SEC. 3. Not less than 10 tons shall be required to make up a carload lot; or 9 tons of hay or wool.

SEC. 4. Violation of foregoing sections a misdemeanor: Penalty, \$500 to \$1,000 or imprisonment in county jail from six months to one year, or both.

SECS. 7 and 8. Connecting line refusing to accept freight shall be liable to damages. It is made unlawful for a company having traffic arrangement with another company whereby charges for a continuous haul are collected at the point of destination to refuse to receive cars loaded with valuable articles or to receive valuable freight in less than carload lots without prepayment, with intent to annoy and harass the shipper or the other company or common carrier: Penalty, forfeit of \$1,000 unto the State of Washington.

Section 10 makes it unlawful to give unreasonable preference or advantage to any particular persons or locality.

Section 11 makes it unlawful for any railroad company or common carrier to exact or receive a contract releasing it from the penalties of this act.

SEC. 12. Violations of sections 10 and 11 a misdemeanor: Penalty, \$500 to \$1,000 or imprisonment in county jail from six months to one year, or both.

Above are all the sections involving penalties. Several other sections are added relating to proceedings in suits brought by dissatisfied companies. The burden of proof must rest upon the plaintiff, who must show and prove that the rates or provisions concerning rates are unreasonable and unjust. Section 19 exempts from the provisions of the act any railroad which does not exceed 150 miles in length.

NOTE.—Rates were regulated in acts, chapter 1, 1891, and chapter 85, 1893, the penalty for violation being \$500 for each offense with costs; but all except this first section is substantially new.

Revenue and taxation (chap. 71, p. 136, approved March 15, 1897).—Provides for assessment and collection of taxes. An elaborate law of 122 sections.

Section 38 provides that railroad companies failing to make returns of property to the State auditor as required shall forfeit as penalty not less than \$10,000 for each offense.

House drainage and plumbing (chap. 80, p. 210, approved March 16, 1897).—An act to regulate the sanitary construction of house drainage and plumbing in cities of the first class. A law similar to those passed in a number of States. It provides that plumbers must be licensed in cities of the first class. The board of health shall give such licenses, and cities of first class shall have a board of examiners, appointed by board of health. Provision is also made for inspectors of plumbing and for sanitary rules and regulations.

SEC. 7. Violating any provision of the act a misdemeanor: Fine, \$5 to \$50. Licenses may be revoked for incompetency.

Landmarks, monuments, and notices upon mining claims (chap. 83, p. 221, approved March 16, 1897).—Forbids the destruction or defacement of landmarks, monuments on land boundaries, or any notice having been placed or posted upon any mining claim for the purpose of marking or identifying the same. Violation, misdemeanor: Penalty, \$100 to \$500; imprisonment in county jail not exceeding one year.

Public lands and timber (chap. 89, p. 229, approved March 16, 1897).—An act relating to the survey, disposition, and regulation of the public lands in the State. An elaborate law.

Section 10½ deems any State land inspector who shall make a false oath guilty of perjury and subject to its penalties.

SEC. 38. Any person removing any timber or minerals, earth, or stones from such lands shall be punished by imprisonment in the county jail from one month to one year or by fine from \$50 to \$1,000, or both.

Section 66 also provides that any person or corporation cutting or removing timber upon any State school or granted lands, or manufacturing the same into logs, boats, shingles or lumber for domestic use or commerce shall be liable to the State of Washington in treble the value of the timber or other article so cut or removed, to be recovered in a civil action, and, moreover, shall forfeit all interest in and to the article into which said timber is manufactured.

Fenders for street cars (chap. 94, p. 281, approved March 16, 1897).—SEC. 1. Every street car on any street line in the State shall be provided "with good and substantial aprons, pilots, or fenders, and which shall be so constructed as to prevent any person from being thrown down and run over or caught beneath or under such car."

SEC. 2. Penalty for failure, forfeit of \$25, and each car run shall be considered a separate violation of this act, and every period of five days shall be deemed a separate violation of this act; all money collected to be paid into the common school fund.

Horticulture (chap. 109, p. 308, approved March 17, 1897).—An act to promote the fruit growing and horticultural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture, to repeal certain laws in conflict therewith. The first seven sections are substantially new.

Section 8 makes it a misdemeanor to import into the State fruit trees, plants, or nursery stock in violation of this act: Penalty, \$25 to \$100.

Penalty unchanged.

Section 9 makes it a misdemeanor for any agent to offer nursery stock for sale without license: Penalty, fine not exceeding \$100.

Reenacted without change.

Section 12 requires owners to disinfect premises or property when required. Violation, misdemeanor: Penalty, fine \$5 to \$50. The cost of such disinfection shall be a lien against said premises.

NOTE.—Similar to section 3, chapter 51, 1895. Former penalty, fine \$25 to \$100, with costs of action.

SEC. 13. Sale of infected stocks is made a misdemeanor: Penalty, \$25 to \$200 or imprisonment in the county jail from sixty days to one year, provided that for each repeated offense the person or persons convicted may be punished by a fine of \$100 to \$200 or imprisonment not to exceed two years. Any person who shall sell, offer for sale, or give away any tree or trees, roots, grafts, cuttings, or scions infested with insect pests, spores, or fungous growth shall be guilty of a misdemeanor: Penalty, fine \$5 to \$25 or imprisonment in county jail ten to thirty days. A repetition of the offense shall subject offender to increased penalty, not over the maximum above stated.

NOTE.—Penalties slightly modified.

Bond and surety companies (chap. 114, p. 332, approved March 17, 1897).—Provides that guarantee and surety companies may go on all bonds.

Section 7 makes it unlawful for any surety corporation to transact business without complying with the provisions of the act. Violation, misdemeanor: Fine, \$100 to \$500.

Code of public instruction (chap. 118, p. 356, approved March 19, 1897).—This act is a compilation and reconstruction of all acts that have been passed concerning education. It consists of 258 sections and covers 93 pages of the laws of 1897. It is carefully and symmetrically constructed and covers the entire field of public instruction in the State. Of course, in this report those sections alone are dealt with which contain penalties.

SEC. 159. Any member of the State board of education or any employee of the State who shall disclose questions prepared for examination shall be guilty of a misdemeanor: Fine, \$100 to \$500.

SEC. 160. County superintendents failing to make reports to the superintendent of public instruction as required forfeit \$50 from their salary.

SEC. 161. Officers failing to pay over money received as required by law forfeit double the amount so withheld and interest thereon at the rate of 5 per cent per month during the time of withholding the same.

SEC. 162. If the directors of any district fail to make provision for the teaching of hygiene with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system, it is made the duty of the county treasurer to refuse to pay any warrants drawn upon him by the board of directors of such district. When the county superintendent is satisfied that the board of directors are complying with the provisions of said section of this act, he shall notify the county treasurer, who shall thereupon honor the warrants.

SEC. 163. Any county superintendent failing to comply with the provisions of the preceding section enforcing the teaching of hygiene shall be liable to a penalty of \$100, to be recovered in a civil action.

SEC. 164. In case the district clerk fails to make certain reports at the proper time he shall forfeit the sum of \$25 for each failure.

SEC. 165. Failure of any school officer to deliver books, papers, records, and money pertaining to his office to his qualified successor a misdemeanor: Penalty, fine not exceeding \$100.

SEC. 166. Any teacher failing to enforce the course of study or the rules and regulations of the State board of education shall not be allowed by the directors any warrant for salary due until said teacher shall have complied with said requirements.

SEC. 167. Any teacher administering undue punishment to a pupil, or who shall inflict punishment on the head or face of the pupil, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$100.

SEC. 168. Any teacher failing to attend once in each year an institute in some county

of the State shall forfeit his certificate, unless on account of sickness or for some good and sufficient reason.

SEC. 169. Any parent, guardian, or other person who shall insult a teacher in the presence of the school or anywhere on the school grounds or premises, guilty of a misdemeanor: Fine \$10 to \$100.

SEC. 170. To disturb any school or school meeting, a misdemeanor: Penalty, fine \$50.

SEC. 171. Persons neglecting to keep children in school as provided by law, guilty of a misdemeanor: Penalty, \$10 to \$25 for each offense.

SEC. 172. Pupils defacing property are liable to suspension and punishment and parents liable to damages.

SEC. 173. Violation of provisions relating to vivisection and dissection in schools, a misdemeanor: Penalty, \$50 to \$100.

SEC. 174. Any district using text-books other than prescribed by the State board of education shall forfeit 25 per cent of their school fund for that or the subsequent year.

SEC. 227. Trustees shall have no pecuniary interests in any contract. Violation: Penalty, \$500.

SEC. 256. Any parent, guardian, school superintendent, or county commissioner who shall without a proper cause fail to carry into effect the provisions of this act shall be deemed guilty of a misdemeanor: Penalty, \$50 to \$200, in the discretion of the court.

General game law (chap. 52, p. 82, approved March 11, 1897).—A general game law revising previous legislation modifying the close season. Protects large game, birds, and song birds. The close season for large game is between November 1 of any year until September 1 of the following year. The hunting of moose, elk, caribou, antelope, mountain sheep or goat, or deer with dogs is made a misdemeanor. The hunting of deer at night is prohibited, and it is made unlawful for any person to kill more than four deer, or more than two elk, moose, antelope, caribou, or mountain sheep or goat during the open season, or any spotted fawn at any time. Fire hunting, trapping, and ensnaring are forbidden, or killing for hides. These last provisions are new. The close season for birds of all kinds is indicated and nest robbing is forbidden. Certain birds are not to be killed at any time before 1900. Song birds are protected.

SEC. 18. Penalty for violations, \$10 to \$100, with costs of prosecution, and in default of payment, imprisonment in the county jail one day for each \$2 of such fine.

NOTE.—Penalty the same. Increased authority is given to county game wardens.

Protection of sturgeon (chap. 73, p. 200, approved March 16, 1897).—Section 1 protects sturgeon between March and November: Penalty, \$20 for each sturgeon taken.

Section 2 makes it unlawful to take at any time or kill young sturgeon under 3½ feet in length, and any person who is using nets, fish wheels, or other apparatus finding young sturgeon under 4 feet in length entangled or caught therein shall immediately, with care, disentangle and let loose the same and transmit the fish to the water without violence. Any person having in his possession young sturgeon under 4 feet in length, either for consumption or for sale, or is known willfully to destroy the same shall be punished with a fine of \$10 for each fish. In default of payment, imprisonment in the county jail for thirty days.

Salmon (chap. 82, p. 214, approved March 16, 1897).—Regulates the catching of salmon. Amends or repeals previous legislation. Defines the limits of traps in which traps, weirs, fish wheels, etc., may be used.

Section 2: Penalty, \$100 to \$500.

Section 3 authorizes the use of such traps, nets, fish wheels, etc., where not otherwise prohibited, but a license must first be obtained from the fish commissioner. No license to be issued to persons not citizens of the United States unless such person has declared his intention to become such, and has been for one year immediately prior to the time of the application an actual resident of the State. But licenses may be issued to women, minors, or Indians, residents of the State for one year previous. Meshes must not be less than 3 inches stretch measure. Violation, misdemeanor: Penalty, \$50 to \$100.

NOTE.—The proviso as to women, minors, and Indians is new.

Failure to obtain license, a misdemeanor. Violation of regulations concerning the structure of set nets, weirs, fish wheels, traps, etc., a misdemeanor punishable by the same penalty, \$50 to \$100.

Relating to the oyster beds (chap. 107, p. 298, approved March 17, 1899).—An act to secure to the public the continued use of natural oyster beds.

Section 1 provides for the appointment by the governor of a board known as the "Board of Oyster Land Commissioners," to be appointed in any county upon petition of the county commissioners and to consist of three residents of the county who shall have been engaged in the cultivation of oysters for at least five years.

The Board receives no compensation except mileage. The act defines the powers and duties of the Board.

Section 12 authorizes them to issue licenses and makes it unlawful to remove oysters without such license: Penalty, fine \$20 to \$100.

Section 22 makes it unlawful to gather with any tool or implement or in any way whatever oysters from any natural oyster bed except the person so gathering shall be on and working from a boat or water craft of some kind, said water craft being afloat during the time he is gathering; Penalty, fine \$100 to \$400, and at discretion of the court imprisonment in county jail two to six months; one-half of fine to go to informer.

WEST VIRGINIA.

1897.

Felony defined.—Such offenses as are punishable with death or confinement in the penitentiary are felonies. All other offenses are misdemeanors. (Code (1891), Chap. CLII, 1.)

Punishment for misdemeanor.—The term of confinement in jail of a person found guilty of a misdemeanor, where that punishment is prescribed, shall, unless otherwise provided, be ascertained by the court, and the amount of fine, where the punishment is by fine, shall, except where it is otherwise provided, be assessed by the court, so far as the term of confinement and the amount of the fine are not fixed by law. (Ibid., 22.)

Contagious diseases among animals.—An act to prevent the spread of contagious diseases among domestic animals. (Chap. 9, p. 49, approved February 22, 1897.)

Act defines duties of secretary of board of agriculture and his powers as to places and animals infected; also rules of quarantine. Interference with officer or any violation of law a misdemeanor, punishable by imprisonment not exceeding three months, or fine not exceeding \$100, or both.

Jumping off trains.—An act to prevent the jumping on and off of trains. (Chap. 10, p. 50, approved February 20, 1897.)

Any person not a passenger or employee jumping on or off trains to be deemed a disorderly person, punishable by a fine not exceeding \$25, or by an imprisonment not exceeding thirty days, or both.

Administration of anæsthetics.—An act to prevent the administering of anæsthetics or narcotics to females by any physician or dentist, except in the presence of some third person. (Chap. 11, p. 50, approved February 19, 1897.)

Penalty, fine not exceeding \$100, or imprisonment in county jail not more than sixty days, or both.

Bicycle law.—An act providing a bicycle law for the State of West Virginia. (Chap. 12, p. 51, passed February 26, 1897, and became a law without the governor's approval.)

Riding a bicycle in certain streets faster than 12 miles an hour, or without an alarm bell, or on the sidewalks, forbidden: Penalty, fine not exceeding \$25 for each offense and damages.

Section 2 defines "sidewalks."

Section 3 grants mayor or council the power to issue permits to ride on certain streets at any rate of speed; also to allow children's velocipedes on sidewalks.

Section 5 provides that no city or town can have power to make any ordinance respecting use of bicycles except as provided in section 3 of this act.

Section 6 forbids throwing upon any public way glass, scrap iron, nails, tacks, wire, paper, or offensive paper of any kind.

Penalty, not more than \$2 for each offense.

Lobbyists.—An act to prevent lobbyists from occupying the floor of either house of the legislature while in session. (Chap. 14, p. 55, passed February 22, 1897, and became a law without governor's approval.)

Penalty, on conviction, not less than \$50 nor more than \$200, and imprisonment in county jail for not less than ten days nor more than six months.

Protection of owners of bottles, etc.—An act for the protection of persons dealing in mineral waters, malt liquors, and other beverages in bottles. (Chap. 15, p. 56, approved February 6, 1897.)

The act makes provision for any person or firm bottling beverages for sale without the sale of the bottle, to have a trade-mark, and forbids any other person or firm using that trade-mark without written consent of the proprietor: Penalty, fine of not less than \$20 nor more than \$200 for each offense and liability for damage.

Section 5 declares it a misdemeanor for any person, without permission of the owner, to refill with mineral waters, malt liquors, or other beverages any such bottle so marked, etc: Penalty, fine not exceeding \$100; if convicted a second time, to be confined in county jail not exceeding one year.

Hats and bonnets at theatrical performances.—An act requiring the removal of hats and bonnets during theatrical or other performances where admission is charged, and prescribing penalties for violation thereof. (Chap. 16, p. 58, approved February 22, 1897.)

Penalty for this misdemeanor, a fine of not less than \$2 nor more than \$10.

Practice of dentistry.—An act to amend and reenact section 29 (a) of chapter 150 of the Code of West Virginia in regard to the practice of dentistry. (Chap. 29, p. 79, passed February 20, 1897, and became a law without the governor's approval.)

The act makes it unlawful for anyone to practice dentistry unless having obtained a certificate as provided in this act: Penalty, fine of \$50 to \$200 or imprisonment in jail for not less than one nor more than three months, provided that any person so convicted shall not be entitled to any fee for services rendered, etc. All fines to inure to the common school fund.

NOTE.—Former penalty not less than \$10 to \$100.

Cruelty to animals.—An act to amend and reenact section 14 of chapter 149 of the Code of West Virginia. (Chap. 32, p. 88, approved February 20, 1897.)

Making abuse of domestic animals a misdemeanor: Penalty, \$5 to \$100 or imprisonment in jail not exceeding six months.

NOTE.—Former penalty not less than \$50.

Cruelty to children.—An act for the prevention of cruelty to children and providing for their proper care, education, and maintenance in certain cases. (Chap. 33, p. 89, approved February 22, 1897.)

Directors and trustees may receive into their custody children under 16 (former age 14). Any person enticing children from the legal custody of such directors or guardians shall be guilty of a misdemeanor and liable to a fine of \$10 to \$100 or imprisonment in county jail from one to six months.

Section 4 directs as to the placing of these children.

Houses of ill-fame.—An act to amend and reenact section 10 of chapter 149 as amended and reenacted by chapter 8, acts of 1893. (Chap. 35, p. 91, passed February 26, and became a law without the governor's approval.)

Act prohibiting the keeping of a house of ill-fame: Penalty, fine not exceeding \$200 or imprisonment in jail not exceeding one year. Any person living, boarding, or loitering in a house of ill-fame shall be guilty of a misdemeanor and fined not exceeding \$25.

Justices to have no jurisdiction in cities and towns of 25,000 population.

Plugging abandoned wells.—An act to amend and reenact sections 1, 2, 3, 4, and 5 of chapter 106 of the acts of 1891, an act entitled "An act to regulate the drilling, maintenance, and operation of wells for the production of oil, gas, salt water, or mineral water, requiring the same to be plugged when abandoned or not operated, prohibiting the waste of natural gas, and imposing penalties and providing remedies for neglect or refusal to case, plug, or shut in wells." (Chap. 58, p. 114, passed February 26, 1897, and became a law without the governor's approval.)

Penalty, fine of \$100, with costs of suits.

NOTE.—Former penalty, fine of \$200 for each thirty days during which such violation should continue.

Mine ventilation and inspection.—An act concerning mine ventilation and inspection. An act amending previous acts on the same subject, changing amount of bonds, salaries, etc., but in the main new legislation. Provides for inspection and reports of inspectors. (Chap. 59, p. 117, passed February 17, 1897, and became a law over governor's veto.)

Penalty against chief for violation of this act, fine of not less than \$25 nor more than

\$200 and, in the discretion of the court, imprisonment in county jail not exceeding one year.

Failure of inspector to perform his duty, fine of not less than \$100 nor more than \$500 and dismissal from office.

Militia law.—An act to amend and reenact and consolidate into one chapter chapters 18 and 19 of the code of West Virginia, concerning the military force of the State. (Chap. 61, p. 120, approved February 25, 1897.)

Substantially a new act. Among the changes: Enrolling officers allowed 2 instead of 3 cents per name as compensation.

Refusal to give information as to persons liable to be enrolled, a misdemeanor.

SEC. 41. Any officer neglecting to properly account for any military property he shall have received shall forfeit a sum not to exceed twice the cost of the same.

SEC. 42. Whoever shall secrete, sell, or dispose of military property, etc., shall be guilty of a misdemeanor and forfeit to the State twice the cost of the same.

SEC. 43. Any person not a member of the National Guard wearing the uniform without permission, or, if a member, wearing it when off duty without permission, shall be subject to a fine of not more than \$10.

SEC. 52. No other military organization, except as provided for in this act, shall be formed in West Virginia. Penalty, fine not exceeding \$25, or by imprisonment not exceeding six months.

SEC. 61. When the National Guard is on duty and missiles are thrown at them by any assemblage, and the person throwing such missile does not retire at once when ordered, he shall be held guilty of a misdemeanor, and if he remains after, shall be considered guilty of a felony and liable to imprisonment in the penitentiary for not less than one nor more than two years.

Section 73 provides for the trials and penalties of commissioned officers. For any of the sixteen offenses enumerated the officer may be cashiered, and may be fined to any amount not exceeding \$100, or to all such fines or penalties.

Section 74 provides for the trials of enlisted men, and for any of the seven enumerated offenses an enlisted man may be dishonorably discharged from the ranks, and, if a noncommissioned officer, fined to an extent not exceeding \$50, or all or either of such fines or penalties.

SEC. 79. Enlisted men absenting themselves from drill, etc., without proper excuse, may be fined not more than \$5 nor less than \$1 for each day of such absence or delinquency.

SEC. 81. Any person other than a member of the National Guard using indecorous language before a military court, interrupting proceedings, etc., may be arrested and be liable to fine of \$5 to \$50, or imprisonment in jail not exceeding thirty days, or both.

School-book board.—An act to establish a school-book board in every county of the State and to prescribe its duties, to provide for the sale of school text-books, and to provide penalties for violations of this act. (Chap. 62, p. 151, approved February 22, 1897.)

Section 9 provides that every publisher entering into contract with any board under the provisions of this act shall give a bond in the penalty of \$10,000 for the faithful performance of such contract.

Section 11 provides that certain depositaries shall keep school books on hand, and shall execute a bond in the penalty of double the value of the books which he will probably have on hand at one time, but in no event of a penalty less than \$100.

Section 19 provides that any publisher, school officer, depositary, dealer, teacher, or other person violating the provisions of this act shall be guilty of a misdemeanor and liable to a fine of from \$5 to \$50.

Compulsory education.—An act to amend chapter 45 of the code of West Virginia, entitled "Of Education," by adding section 10(a) thereto, relating to compulsory attendance. (Chap. 98, p. 205, passed February 20, 1897, and became a law without the governor's approval.)

Penalty for neglect of this duty, fine of \$2 for first offense and \$5 for each subsequent offense. It is further made the duty of every trustee and teacher to inform against anyone so offending, and upon failure so to do they shall be guilty of a misdemeanor, and be fined not exceeding \$5: Provided, etc.

Municipal penalties.—Under various city and town charters enacted by the legislature powers are conferred upon the city or village authorities to enact ordinances and to impose penalties for the violation of the same. In chapter 101, amending the charter of the town of Clarksburg, it is provided that no fine shall be imposed exceeding \$20, and that no person shall be imprisoned more than thirty days for any one offense. (P. 230, acts 1897.)

Chapter 103, amending the charter of the town of Guyandotte, section 40, provides that no fine shall be imposed exceeding \$30 and no person imprisoned or compelled to labor more than thirty days. These examples indicate the range of penalties in town ordinances.

GAME LAWS.

Fish and game.—An act for appointment of game and fish warden and prescribing his duties and compensation. (Chap. 13, p. 52, approved February 25, 1897.)

Section 1 provides that the governor shall appoint such a warden, who shall hold his office for four years unless removed for cause by the governor. Provision for salary and mileage is also made.

Section 2 prescribes his duties.

Section 3 defines how proceedings may be commenced, against whom; how seizures are to be made, where and when.

Sections 4, 5, and 6 relate to serving processes, making reports, etc. Penalty for interfering with duty of warden, a misdemeanor punishable by fine of not more than \$50 with costs of suit; in default of payment, confinement in county jail till fine and costs are paid, but not to exceed thirty days.

Fish in Potomac River.—An act to provide for the time and method of taking or catching black bass, green bass, rock bass, pike or pickerel or wall-eyed pike in the Potomac River. (Chap. 17, p. 59, approved February 22, 1897.)

It is forbidden to catch these at any time of the year save only with rod, hook, and line, or dip net, and not at all between April 15 and June 1 each year. Persons violating, guilty of misdemeanor: Punishment, imprisonment in jail not exceeding six months or by fine not exceeding \$300, or by fine and imprisonment.

Birds and animals.—An act to amend and reenact sections 1, 4, 6, 10, 11, 15, 16, and the addition of section 15a of chapter 62 of the Code of West Virginia of 1891, entitled "For the preservation of certain useful animals and birds." (Chap. 30, p. 81, approved February 24, 1897.)

Section 1 makes close season from December 1 to October 1, instead of December 15 to September 15. Also adds quail, pheasant, and ruffed grouse to other game: Penalty, fine \$20 to \$50, or imprisonment in jail not more than sixty days.

Section 4 prohibits fishing in creeks or rivers except with hook and line from March 1 to November 15, instead of from April 1 to December 1. Provision made for measurement of fish, for catching fish in private waters, etc. Season changed from April 1 to June 15 to April 15 and June 15, when it shall be unlawful to catch certain fish. Made unlawful to catch bass by spear or gig between April 15 and November 1 of each year. Penalty for willfully letting water out of fish ponds, with intent to take fish, imprisonment in jail not exceeding six months or fine not exceeding \$200, or both.

Section 6 provides when nets, traps, etc., placed in rivers may be destroyed. No nets or obstructions allowed in rivers between November 15 and March 1. Dimensions of nets and seines given. Penalty for violating this section, fine of not less than \$10 nor more than \$25, or imprisonment in jail not exceeding ten days. Penalty for killing fish by explosives, fine \$100 to \$200 or imprisonment in jail not less than one nor more than six months.

Section 10 makes it unlawful to catch, kill, injure, or have in one's possession certain birds or to take their eggs. (Thirty-three kinds of birds are named "whose habits are not essentially predatory upon and destructive of the agricultural products of man.")

Section 11 makes it unlawful to catch or kill or injure partridges, etc., between December 15 and November 10 following, or wild turkey between January 1 and October 15, or ducks and geese of various kinds between April 1 and October 1; or snipe except between March and July 1, or woodcock except between July 15 and November 1. The use of traps and swivel guns forbidden. It is made the duty of the market master of any city, town, or village to arrest those violating these provisions. Officers failing to prosecute liable to fine not exceeding \$25.

Section 15 makes it unlawful to have certain birds in possession during certain months: Penalty, fine not less than \$5 nor more than \$25, or imprisonment in jail not exceeding thirty days. Use of ferrets for catching rabbits forbidden: Penalty, \$5 to \$20.

Killing of deer.—An act to amend and reenact section 1 of chapter 62 of the code concerning the killing of deer. (Chap. 31, p. 88, approved February 17, 1897.)

Killing of deer prohibited for five years: Penalty, fine \$20 to \$50 or confinement in jail not more than sixty days.

WISCONSIN.

1897.

Felony defined.—The term “felony,” when used in any statute, shall be construed to mean an offense for which the offender, on conviction, shall be liable by law to be punished by imprisonment in a State prison. (Statutes 1898, sec. 4637.)

NOTE.—An offense not a felony at common law will not be regarded as such unless by express words of the statute, or by necessary implication. *Wilson v. State*, 1 Wis., 184.

Misdemeanors.—In all cases, not otherwise specially provided by law [i. e., statute law of the State], where a forfeiture shall be incurred by any person, and the act or omission is punishable by fine and imprisonment, or by fine or imprisonment, or is specially declared by law to be a misdemeanor, it shall be deemed a misdemeanor within the meaning of this chapter [for the collection of forfeitures]. The word forfeiture, as used in this chapter, shall include any penalty, in money or goods, other than fine. (Sec. 3294).

A note to the above is as follows:

Misdemeanor: The violation of a municipal ordinance prohibiting that which was not punishable at common law or by statute, and providing as a penalty a fine, and in default of payment, imprisonment, is not a misdemeanor. (*Oshkosh v. Schwartz*, 55 Wis., 483).

Ferry across the Mississippi River (chap. 67, p. 92, approved March 17, 1897).—An act to establish a ferry across the Mississippi River from Buffalo County, in the State of Wisconsin, to the city of Wabasha, in the State of Minnesota.

Erik Alme is authorized to operate a ferry for ten years. The rates of ferriage are indicated, and if said Erik Alme shall demand or charge any greater sum he and the sureties on his bond shall be liable to the party aggrieved in the sum of \$20 for each and every such act.

SEC. 7. Penalty for establishing a rival ferry: “If any person or persons shall, after the establishment of said ferry as aforesaid, set up, keep, and maintain any ferry, or shall carry any person or persons for hire or pay across the Mississippi River from any point in Buffalo County, Wis., situated on lots three, four, and five, section thirteen, town twenty-two, range fourteen west, on the east side of the shore or waters of the Mississippi River in said county of Buffalo, to the city of Wabasha, every person shall for every such offense forfeit and pay the sum of ten dollars to the said Erik Alme, his associates or assigns, and may also be restrained by injunction at the suit of said Erik Alme, his associates or assigns.”

NOTE.—Approaching this prohibition of rival ferry is section 1356, an unlicensed ferry is liable to fine of \$20.

Cleanliness in milk dairies (chap. 94, p. 156, approved March 24, 1897).—An act to secure cleanliness in milk dairies.

SEC. 1. The dairy and food commissioner or his agents shall have full access to all premises where milk is stored, produced, or handled for the city milk trade. They are empowered to enforce such measures as may be necessary to prevent the sale of milk from diseased cows or from cows fed upon unwholesome food, and to require cleanliness in all barns, stables, or buildings where milk is produced for the city milk trade.

SEC. 2. Violation, a misdemeanor: Fine, \$25 to \$100 for first offense and \$100 to \$200 for each subsequent offense.

Adulterated milk (chap. 106, p. 168, approved March 26, 1897).—Amends section 1, chapter 425, laws of 1889, relating to fines for the sale of unmerchantable or adulterated milk. The former penalty was \$10 to \$100. As amended it is \$25 to \$100 for each offense.

Inspection of petroleum (chap. 114, p. 182, approved March 26, 1897).—Provides for the inspection of illuminating oils or petroleum and petroleum products. Amends or repeals previous laws. Authorizes the governor to appoint a State supervisor of oils, who is empowered to appoint and oversee all deputy inspectors of oils. Their duties are likewise defined.

SEC. 5. To falsely brand casks, barrels, or other packages of oil, or to alter the brand affixed by the deputy inspector, or to refill and use a cask having the inspector's mark without obliterating his brand, a misdemeanor: Penalty, \$5 to \$500 or imprisonment in county jail not more than six months, or both. To dispose of any empty cask or barrel without first canceling or removing such brand a misdemeanor. The same penalty.

NOTE.—This section essentially new.

Section 6 forbids the use of petroleum which will emit a combustible vapor at a temperature less than 100° above the zero point of Fahrenheit's thermometer, or will burn freely at a temperature less than 120°, and no oil shall be burned for illuminating purposes on railroads or steamboats and carried as freight which will burn at a temperature of less than 300° of Fahrenheit's thermometer. Violation, misdemeanor: Penalty, \$100 to \$1,000, and liable for resulting damages.

NOTE.—Former penalty, fine to \$100 or jail six months.

Section 7 provides for the branding of barrels with rejected oil. Offering such oil for sale a misdemeanor: Penalty, \$100 to \$1,000 or imprisonment in county jail not more than six months, or both, in discretion of the court.

NOTE.—Substantially the same as before with penalty added.

Other sections provide for the form of test and the fees for making the same. Deputy inspectors are to keep an accurate record of all inspections. They are forbidden to traffic directly or indirectly in such oil: Penalty, removal from office, and fine from \$100 to \$500, but provisions of this section in regard to dealing in oil do not apply to deputy inspectors whose inspections do not exceed 1,500 barrels a year.

SEC. 12. It is made the duty of inspectors to notify the county district attorneys of violations of this act. Failure to do so a misdemeanor: Penalty, not exceeding \$50 and removal from office. In case the death of any person shall result from the explosion of lamps or vessels containing illuminating oils sold or used in violation of the provisions of this act the persons selling or furnishing said oil for use shall be deemed guilty of manslaughter in the third degree, and shall suffer the penalty in that case made and provided.

Oil in transshipment to other States is not molested, and the act does not apply to crude petroleum.

Protection of fish hatcheries (chap. 132, p. 219, approved March 30, 1897).—SEC. 1. Killing fish in State fish hatchery or taking any fish therefrom a misdemeanor: Penalty, \$10 to \$25 or imprisonment ten to thirty days.

SEC. 2. Taking fish from grounds connected with the fish hatchery shall be deemed larceny: Penalty, as provided in section 4415 of the Revised Statutes, as amended.

SEC. 3. Injury to fish or harmful interference with ponds, streams, or other property of State fish hatchery a misdemeanor: Penalty, fine \$5 to \$100.

Section 4 authorizes the superintendent or other person in charge of any fish hatchery to summarily arrest offenders and to deliver them to proper officers for prosecution.

Foul brood among bees (chap. 150, p. 250, approved April 1, 1897).—The governor is authorized to appoint a State inspector of apiaries, whose duty it shall be to inspect apiaries when notified, and others in the same locality not reported. He may give instructions as to the treatment of the disease known as foul brood, and may burn all colonies of bees and combs that may not have been cured on his second visit.

SEC. 4. If the owner of a diseased apiary, honey, or appliances shall sell, barter, or give away any bees, honey, or appliances or expose other bees to the danger of said disease or refuse to allow inspection, he shall be fined \$50 to \$100, or imprisoned in the county jail from one to two months.

The inspector is to make an annual report and may receive \$4 a day for traveling expenses for actual time served. The sum of \$500 a year is appropriated to cover all expenses for suppression of foul brood in Wisconsin.

Labeling convict-made goods (chap. 155, p. 257, approved April 1, 1897).—Section 1 provides that all goods made by convict labor in any State except the State of Wisconsin shall be branded "convict made," with the year and name of the penitentiary, reformatory, or other establishment in which it was made, "in plain English lettering, of the style and size known as great primer, Roman condensed capitals."

Section 3 makes it the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act.

SEC. 4. To sell convict-made goods without the brand or label, or removing such label, a misdemeanor: Penalty, fine \$100 to \$500, in the discretion of the court.

Sale of vaccine virus, toxins, etc. (chap. 159, p. 262, approved April 1, 1897).—Makes it unlawful to sell or distribute gratuitously any vaccine virus, therapeutical serum, modified toxins, and similar products intended to be used in the prophylaxis or treatment of contagious diseases, unless the same shall have the stamp of the firm or person's name put upon it in plain English language.

SEC. 2 Violation, misdemeanor: Penalty, \$25 to \$100 for each offense or imprisonment in county jail from thirty to sixty days, or both.

Wisconsin National Guard (chap. 162, p. 266, approved April 1, 1897).—Amends the laws of 1893, chapter 292, and laws of 1895, chapter 181, relating to the Wisconsin National Guard.

Section 3 forbids the issuing of arms except in case of war, insurrection, or imminent public danger, and no person shall use public arms or equipments for private use or retain them unless properly issued to him in pursuance of law: Penalty, \$20 to \$50, or imprisonment in county jail from ten to sixty days, or both.

NOTE.—The amendment of this section consists in the addition to the fine of punishment by imprisonment. Other sections modified do not involve penalties.

Adulteration of food and drugs (chap. 166, p. 275, approved April 2, 1897).—Prohibits the adulteration of drugs and food, defines the term drugs and food and also the meaning of "adulterated." Provides for the labeling of goods. Baking powders containing alum must be so labeled, and medicines containing morphine or strychnine shall also be labeled if contained in patent medicines in quantities which the State board of health shall deem harmful to public health.

SEC. 7. Violation of act, misdemeanor: Penalty, \$25 to \$100.

NOTE.—This act amends and repeals previous legislation; is, however, substantially new especially as to the definitions in section 3.

Former penalty dating back to 1879, imprisonment not less than nine days nor more than six months, or fine from \$10 to \$100, or both.

Drawing petit jurors (chap. 176, p. 291, approved April 2, 1897).—An act to regulate the manner of drawing petit jurors. Revises previous legislation in various details.

Section 15 makes it unlawful for any person either directly or indirectly to solicit the commissioners to have his name put on any jury lists. Violation, misdemeanor: Penalty, fine not less than \$100 or imprisonment in county jail not less than ten days, or both.

Section 7 provides that when a sufficient number of jurors can not be obtained for the trial of any cause, the court may cause duly qualified jurors to be returned from the bystanders or from the county at large, but the jurors so summoned shall be paid only for service in such cause.

NOTE.—Up to 1875 the talesmen thus drawn were paid less than those drawn regularly to serve. There is a curious and vigorous note in the supplement of 1883. "The picayune treatment of men suddenly called from among bystanders to serve sometimes for days while jurors challenged or on another panel are sitting idly and drawing full per diem has disgraced the statute long enough. It is a specimen of saving drippings at the spigot while the bung is running a full stream."

Prohibiting pool selling (chap. 187, p. 324, approved April 8, 1897).—An act to prohibit pool selling and the receiving and transmitting of bets.

Section 1 forbids pool selling or book making and the registering of bets on the results of trials of skill or speed of man or beast or upon the result of any political nomination, appointment, or election, or upon any other uncertain event. It is made unlawful for any person to receive, register, or record such wagers, or to occupy any place or building with books, papers, or apparatus for registering wagers. The section is an elaborate one.

SEC. 2. Penalty for violating preceding section \$100 to \$500 or imprisonment in county jail not exceeding ninety days.

SEC. 3. It is made unlawful to resort to any place upon any public or private ground within the State within which is carried on any of the acts mentioned in section 1. Violation, fine \$50 or imprisonment in county jail not exceeding thirty days.

Hotels and inns (chap. 197, p. 358, approved April 9, 1897).—Forbidden to obtain food and lodging at hotel with intent to defraud: Penalty, fine not exceeding \$100 or imprisonment in county jail not exceeding three months.

Sections 2 and 3 provide that the complainant shall give security for costs, and actions not to be settled until all costs are paid.

NOTE.—Sections 2 and 3 new. Penalty unchanged.

Sodomy (chap. 198, p. 359, approved April 9, 1897).—Revises section 4591. Penalty for sodomy, imprisonment one to five years.

NOTE.—Penalty unchanged, but prohibition more explicit.

Record of births and deaths (chap. 202, p. 365, approved April 10, 1897).—An act to provide for a more correct record of births and deaths. Revises previous legislation.

SEC. 11. Duty of the district attorney in each county to enforce the law: Penalty for violating act, \$10 to \$50 for each offense or county jail thirty to sixty days, or both, in discretion of the court.

NOTE.—Former penalty not less than \$50 nor more than \$100.

Obstructing railroads (chap. 208, p. 377, approved April 10, 1897).—Amends section 4386 of the Revised Statutes by inserting the words "steam, electric, or cable," so that the prohibition as to placing obstructions on tracks, shall apply to those of electric or cable as well as to steam railroads: Penalty, imprisonment in State prison one to ten years.

NOTE.—Penalty unchanged.

Civil service (chap. 218, p. 391, approved April 12, 1897).—Amends chapter 313 of the laws of 1895 relating to civil service of cities.

Section 3, providing an annual tax to be levied for a fund to be known as city civil-service fund. This is a new feature. Also section 7, making it the duty of the board to investigate the enforcement of the act. Other sections following are also new.

Section 8 refusing to testify when subpoenaed a misdemeanor, punishable by fine or imprisonment as provided in section 19 of the act amended.

NOTE.—The penalty imposed in the act is a fine of from \$50 to \$1,000 or imprisonment in the county jail not exceeding six months, or both.

Regulates running of vessels (chap. 219, p. 396, approved April 12, 1897).—Certain lakes in the county of Waupaca declared navigable. Obstructions in said lakes unlawful, and regulations as to lights and steering.

Sec. 4. Penalty for violating provisions, \$10 for each violation.

License for deer hunting (chap. 221, p. 401, approved April 13, 1897).—An act to require license for the hunting of deer. An act of fourteen sections.

Sec. 1. License required to hunt or kill deer: Penalty, \$50 to \$200 or imprisonment in county jail two to nine months, or both.

Sec. 2. Licenses to be issued by the secretary of state.

Sec. 3. No transportation company shall receive deer unless the same shall have one coupon from a license issued under the provisions of this act attached to each such carcass or part of a carcass: Penalty, \$100 to \$500.

The license fee for residents is \$1; for nonresidents, \$30. License is not transferable.

Sec. 6. Penalty for transferring licenses, \$50 to \$100 or county jail from sixty days to six months.

Sec. 12. Penalty for changing or altering a license, \$200 to \$500 or county jail from six months to one year.

Sec. 13. Penalty for making false statement, county jail four months or State prison one year or fine \$500 to \$1,000, or both fine and imprisonment.

State board of fish commissioners (chap. 222, p. 408, approved April 14, 1897).—Revises and amends the laws of the State relating to the organization, powers, and duties of the State board of fish commissioners.

Section 8 gives the authorized agents of the fish commissioner the right to enter boats, docks, grounds, or other places for the purpose of stripping fish of their eggs and milt while alive during the spawning season. Any person or corporation refusing to comply a misdemeanor: Penalty, \$50 for each offense; former penalty, \$10 to \$10.

Sec. 9. Employees of fish commission having unlawful possession of fish: Penalty, \$25 to \$50 and removal from office.

Sec. 10. Penalty for taking fish eggs out of the State without permit not less than \$50.

Water in public highways (chap. 224, p. 418, approved April 14, 1897).—An act to provide for use of water in public highways.

Sec. 1. The general public shall have the right to use and take water from any spring, creek, or running water of whatever nature that may be found running in or across the limits of any public highway in the State; providing, however, that this act shall in nowise interfere with the tunneling or piping of water for the purpose of draining or improving any lands upon either side of such highways.

Sec. 2. Any person owning land bordering any such highway who shall in any manner interfere with the free use of the same by the public shall be guilty of a misdemeanor and in addition thereto shall be liable to any person damaged thereby to the amount of such damage.

Street railways and electric companies (chap. 223, p. 414, approved April 14, 1897).—An act to provide for the payment of license by street railway and electric companies within the State of Wisconsin. Mostly a reenactment of act of 1895.

Sec. 4. Duty of companies to file verified statement as to gross receipts. Violation a misdemeanor: Penalty, fine not more than \$1,000 or county jail six months, or both.

NOTE.—Practically unchanged. Various other changes but no new penalties.

Bodies of persons dying of contagious disease (chap. 248, p. 468, approved April 16, 1897).—Section 1 prohibits the transportation of bodies dead of contagious diseases.

Section 2 describes how bodies must be prepared and wrapped for shipment.

SEC. 4. The bodies of persons dying of diseases that are noncontagious and non-infectious may be transported under certain conditions; must be accompanied with a transit permit.

SEC. 5. No dead body shall be disinterred if it be the means of spreading disease. Consent of health authorities required.

SEC. 9. Violation of act, misdemeanor: Penalty, \$25 to \$500 for each offense or county jail thirty to sixty days, or by both.

Regulating the practice of medicine and surgery (chap. 264, p. 505, approved April 19, 1897).—Section 1 authorizes the governor to appoint a board of medical examiners. Such appointment shall be made from three separate lists of ten names each, presented every second year to the governor—one list by the Wisconsin State Medical Society, one by the Homeopathic Medical Society and one by the Wisconsin State Eclectic Medical Society. The board shall consist of seven members.

Section 3 prescribes that person practicing medicines must procure a license from said board.

SEC. 6. Every person beginning the practice of medicine or surgery within the State after July 1, 1897, shall be required to have such license. Any person practicing without license, advertising himself as a physician or surgeon, or using the title of doctor or appending to his or her name the letters M. D. or M. B. shall be guilty of a misdemeanor: Penalty \$50 to \$100 or imprisonment in county jail three months, or both.

NOTE.—The medical board new. Act contains various features of previous acts. Section 6 similar to chapter 256, 1881, amended by chapter 40, 1882. Former penalty, \$25 to \$100 or imprisonment ten to sixty days.

Sale of impure ice.—An act to regulate the sale of impure ice. (Chap. 273, p. 522, approved April 20, 1897.)

Section 1 forbids the sale for domestic, culinary, or drinking purposes of ice which contains mud, decayed vegetation, animal matter, or malarial substance.

SEC. 2. Ice wagons required to be labeled with the name of the place from which the ice offered for sale was cut.

SEC. 3. Violation of act misdemeanor: Penalty \$50 to \$100 or imprisonment in county jail not more than six months, or by both.

NOTE.—New as general law. Chapter 361, 1887, prohibits sale of certain ice in Milwaukee. The provisions of that act, simplified and made general, are comprised in this chapter. The penalty as given in act concerning Milwaukee is fine \$100 to \$500 and imprisonment in house of correction ten to thirty days.

Discharge of sewage (chap. 275, p. 524, approved April 20, 1897).—Forbids the discharge of sewage into Delevan Lake.

SEC. 2. Penalty for violation, \$10 to \$100.

Selling without license (chap. 300, p. 642, approved April 22, 1897).—Amends section 1565e of Sanborn and Berryman's Annotated Statutes, relating to excise and the sale of intoxicating liquors. Penalty for selling without a license, \$50 to \$100 and costs, or, in lieu of such fine, imprisonment three to six months, and in case of punishment by a fine, unless the fine and costs be paid forthwith, shall be committed to county jail until fine and costs are paid. In case of a second conviction during any year, the punishment shall be by fine and imprisonment.

NOTE.—Change in phraseology.

The business of banking.—An act to revise the laws authorizing the business of banking. A long and elaborate act combining new provisions with previous legislation. (Chap. 303, p. 647, approved April 22, 1897.)

Section 17, chapter 2, declares that every bank failing to transmit report to bank commissioner shall forfeit \$100 for each day after the time required for making such reports.

SEC. 19. Any officer swearing falsely shall be deemed guilty of perjury, and be punished as provided by law.

SEC. 33. Penalty for embezzlement, imprisonment in State prison not to exceed twenty years.

NOTE.—The general law for embezzlement, section 4418, imposes penalty of one to five years, if amount is over \$100 in value. If less than \$100 in value and over \$20 in value, jail from six to twelve months and fine not over \$200. If less than \$20 in value, jail not less than six months or not over \$100 fine.

SEC. 34. The penalty of violation by officers of the bank or employees, after warning from bank commissioner, is forfeiture of the charter.

Chapter 5, section 1, makes penalty for unlawful use of term "bank" or "banker" \$25 for each day unlawfully used.

Chapter 8 provides for the submission of this act to the electors of the State in November, 1898.

Nomination of candidates (chap. 312, p. 691, approved April 23, 1897).—Revises previous legislation. The penalties embodied in the act are:

SEC. 9. Voting in caucuses more than once misdemeanor. No person shall print, distribute, or offer to distribute caucus tickets or ballots, nor print sample ballots. Violation, misdemeanor.

SEC. 10. Bribery or interfering with voter, misdemeanor.

SEC. 12. Penalty for misdemeanors under provisions of this act, fine not exceeding \$500 or imprisonment in county jail two to six months, or both, in the discretion of the court.

County jails.—An act authorizing the county board of any county to place the county jail under the supervision of a board of trustees. (Chap. 318, p. 710, approved April 23, 1897.)

Section 1 provides for the election of a board of three trustees by the county board at any annual meeting. Their duties are defined.

Section 4 provides for the erection of workhouses.

SEC. 5. Every male person over 16 years of age convicted of vagabondage, drunkenness, disorderly conduct, or petit larceny, in a county which has elected trustees of the county jail and erected a workhouse, shall be punished by a fine from \$1 to \$100, and in default of payment committed to the county jail at hard manual labor from five to thirty days for first offense; for second offense, fifteen days to six months.

Prisoners must labor ten hours a day; no liquor or tobacco allowed; may be punished by solitary confinement not exceeding ten days for refusing to work diligently.

SEC. 9. Officers of any jail who shall neglect or refuse to require prisoners sentenced to hard manual labor to perform such labor shall be guilty of a misdemeanor: Penalty, fine not exceeding \$100; for second offense shall be removed from office.

Sale of cigarettes to minors.—An act to prohibit the sale of cigarettes and cigarette paper to minors. (Chap. 329, p. 734, approved April 23, 1897.)

SEC. 1. It is forbidden to sell or give away cigarettes or cigarette paper in any quantity whatsoever to a minor under twenty-one years. Violation, misdemeanor: Penalty, \$5 to \$25 for each offense besides costs of suit, or imprisonment in the county jail not less than five nor more than thirty days. In case of a second or any subsequent conviction, fine from \$25 to \$100 and costs or imprisonment in county jail from thirty days to three months, and in case of punishment by fines such person shall, in default of payment, be committed to jail until fine and costs are paid.

NOTE.—Revises a previous law.

Wrecking railroad trains (chap. 331, p. 738, approved April 23, 1897).—Amends section 4342 of the Revised Statutes. Any person willfully and maliciously obstructing the track, displacing rail, destroying bridges, etc., of any railroad, and the death of any person shall ensue therefrom, he shall be imprisoned in the State prison for life.

NOTE.—Former penalty. He shall be deemed guilty of murder in the second degree.

Licensing of plumbers (chap. 338, p. 759, approved April 24, 1897).—Requires plumbers to be examined by a board, and forbids them to work without a license; provides for the appointment of such board and for an inspector of plumbing in cities of the first, second, and third class.

SEC. 7. Violation of any provision of the act a misdemeanor.

Penalty, \$50 for each violation, and license may be revoked by examining board.

Corrupt practices in elections (chap. 358, p. 912, approved April 27, 1897).—Section 1 defines bribery at elections. In five paragraphs.

1. The giving of any valuable consideration to induce any voter to vote or abstain from voting.

2 and 3. Promising voter office or employment.

4. Or promise to secure the election of any person.

5. Or advance money to be expended in bribery.

Bribery a felony: Penalty, State prison six months to two years.

SEC. 2. Those who receive bribes or consideration also guilty of bribery. Any voter so offending guilty of a misdemeanor: Penalty, imprisonment in county jail one month to one year.

SEC. 3. Those who use or threaten to use force to compel a voter to vote or refrain

from voting, misdemeanor: Penalty, county jail one month to one year. Former penalty, imprisonment not more than one year or fine not more than \$500.

SEC. 4. A person who personates another and secures a ballot paper, guilty of a felony. Punishment, State prison two to five years.

SEC. 5. Payment of money to secure election of senator or assemblyman by non-residents a misdemeanor: Penalty, county jail one month to one year.

SEC. 7. Penalty for failure of candidate to make return of election expenses, misdemeanor. Fine, \$100 to \$500.

SEC. 13. Every treasurer of a political committee who shall fail to make out statement of money received and disbursed and file with the registry of deeds, guilty of a misdemeanor. Penalty, \$50 to \$500.

SEC. 14. Every treasurer who shall fail to keep books, setting forth details as required, or mutilate or destroy books, or fail to file the statement and account contemplated by section 11, guilty of a misdemeanor. Imprisonment in county jail from two to six months.

NOTE.—Bribery laws have been in force heretofore. Present chapter more extended, with much new matter and variation in penalty.

Forest fires (chap. 362, p. 932, approved April 27, 1897).—Amends chapter 266, laws of 1895.

Section 1 provides for appointment of State forest warden and deputy.

SEC. 2. The State forest warden shall appoint at least one fire warden in each of the organized towns of the State. Describes the duties of fire warden. Any fire warden who shall refuse to carry out the provisions of this section, or any person who shall refuse, when called upon by the fire warden, to render any reasonable assistance shall be deemed guilty of a misdemeanor: Penalty, fine \$10 and costs for each offense.

SEC. 4. Any person who shall build a fire on any lands in this State not his own or under his control and fail to extinguish the same before leaving shall be guilty of a misdemeanor: Penalty, fine \$100 or county jail not exceeding one month, or both. Any person willfully setting fire upon any land whereby such land is injured or endangered, guilty of a misdemeanor: Penalty, same as above.

SEC. 5. Fire wardens may post notices in a dangerously dry time stating that no fire shall be set. After the posting of such notices no person shall set any fire upon any land in said town except for warming the person or for cooking food, and shall entirely extinguish the same before leaving.

NOTE.—The dry-time section is new.

SEC. 6. Railroad companies are required to cut, burn, or remove all grass, weeds, brush, and logs from their right of way once a year. Locomotives to have arrangements to prevent the escape of sparks. The State forest warden shall inspect the right of way of railroad companies when it shall appear necessary. Officers or employees of railroad companies violating provision of this section, guilty of a misdemeanor: Penalty, fine \$100 and costs of prosecution for each offense.

NOTE.—The act is more stringent and more thorough than previous laws.

Building and loan associations (chap. 368, p. 953, approved April 27, 1897).—An elaborate law of thirty-six sections, being a substitute for and repealing legislation of 1891 and 1895.

SEC. 32. To act as agent for any unauthorized building and loan association in the State a misdemeanor. Fine, \$100 to \$500; and every person convicted of such offense shall be personally liable for any sums received by him.

Former penalty, fine not less than \$100 nor more than \$500 and imprisonment from ten days to six months.

Electric wires (chap. 374, p. 983, approved April 27, 1897).—Amends section 4559 of Revised Statutes relating to injury to wires by removal of buildings. As amended the act includes in its protection electric light and power companies, as well as telegraph and telephone companies; provides that any person removing any building or any timber to which such wires are attached, so as to destroy or injure the wires or poles of any company, without giving forty-eight hours' previous notice, shall be punished by imprisonment in county jail not more than thirty days or by fine not exceeding \$50, or both. Any person who shall break down, or remove, or interrupt such wires shall be punished by imprisonment in county jail not more than three months or fine not exceeding \$100, or both.

NOTE.—The former law required but twenty-four hours' notice, and former penalty made fine or imprisonment alternative, omitting the words "or both."

Bakeries.—An act relating to bakeries and persons employed therein. (Chap. 375, p. 985.)

SEC. 1. All bakeries to be provided with a proper system of plumbing.

SEC. 2. Every room shall have, if deemed necessary by board of health, a floor of hard wood, properly saturated with linseed oil. The side walls and ceilings to be plastered or wainscoted, and shall be whitewashed at least once in six months.

The manufacture of meal-food products shall be kept in perfectly dry and airy rooms so arranged that the floors, shelves, and all other facilities for storing the same can be easily and perfectly cleansed.

Section 4 provides that wash rooms and water-closets shall be apart from the bake rooms or rooms where such food products are manufactured. The sleeping places shall likewise be separate from the rooms where flour or meal-food products are stored and manufactured.

SEC. 6. Violation of the provisions of this law a misdemeanor: Penalty, \$20 to \$50 for first offense; second offense, \$50 to \$100 or imprisonment for not more than ten days; third and every succeeding offense, fine not less than \$250 or imprisonment not more than six months, or by both such fine and imprisonment.

SEC. 7. The owner, agent, or lessee of property required to alter premises within sixty days after receiving notice.

SEC. 8. The board of health of the city or town in which a bakery is situated may enforce the provisions of this act.

NOTE.—New. The act is followed by the following note of the secretary of state: "The foregoing act having been presented to the governor for his approval, and such approval having been withheld, said act was returned by him to the house of the legislature in which it was originated; it was then passed over his veto by a vote of 21 ayes and 8 noes in the senate; it was refused passage over governor's veto in the assembly by a vote of 56 ayes and 31 noes; said vote in the assembly was reconsidered and action of the senate concurred in by a vote of 52 ayes and 26 noes. Said act has been deposited in this department as a law without the governor's approval, as prescribed in the constitution.

"HENRY CASSON, *Secretary of State.*

"AUGUST 21, 1897."

Statutes of 1898.—An act to provide for the immediate taking effect of certain sections of the Statutes of 1898, as reported by the revisers and joint committee on revision. (Chap. 380, p. 995, approved August 20, 1897.)

Section 1 declares that the sections following of the Statutes of 1898, as reported by the revisers, are hereby designated for immediate publication, and the same shall be published in the official paper and included in the volume of session laws of 1897.

The sections selected cover more than fifty pages, and relate to a great variety of subjects. The only sections involving penalties are the following:

SEC. 2533f. Unlawful for any person to solicit the jury commissioners to have his name put on the list. Penalty, fine \$25 to \$100 or imprisonment in county jail ten days to six months, or both.

SEC. 4374a. Any person who shall assault another in a manner evincing a depraved mind, regardless of human life, without any premeditated design, to effect the death of the person assaulted, and under such circumstances that if death had resulted the assailant would have been guilty of murder in the second degree, shall be punished by imprisonment in the State prison not more than eight years nor less than one year.

Practice of pharmacy (chap. 257, p. 489, approved April 17, 1897).—Amends previous legislation of the laws of 1882, 1885, 1887, and 1895, so as to allow country stores to sell proprietary medicines, paris green, "poison," etc., when properly labeled.

Section 9 makes it unlawful for any person to conduct any pharmacy for retailing or compounding drugs, medicines, or poisons in any town, city, or village having 500 or more inhabitants, unless such person shall be a registered pharmacist. Penalty, \$40 for each offense; and any person who shall permit the compounding of prescriptions in his store or place of business in such town, city, or village shall forfeit \$50 for each offense.

Municipal penalties.—An act to provide for the incorporation and government of villages and legalizing the acts of villages and the officers thereof. (Chap. 287, p. 563, approved April 21, 1897.)

Sections 26 and 27 gives power to the village board to ordain ordinances and to prescribe penalties for their violation from \$1 to \$200, and in default of payment they may commit to the county jail until payment be made, but not to exceed ninety days.

Common schools (chap. 354, p. 804, approved April 27, 1897).—Amends, codifies, and revises previous legislation. An elaborate act.

SEC. 440b. Every member of a district board or of a board of education who shall, within three years from the date of adoption of a list of text-books, order a change of text-books in said district or city shall forfeit the sum of \$50.

Section 446a relates to compulsory attendance at school. Requires children between the age of seven and thirteen to attend for at least twelve weeks in every school year some public or private school.

Penalty for violation, \$3 to \$10 for each offense. It is made the duty of the director of any school district, the president of any board of education, or any truant officers appointed by such a board of education to prosecute any offense occurring under this act. Any person neglecting to prosecute for such fine within fifteen days after receiving a written notice from any qualified elector or taxpayer shall be liable to a fine from \$10 to \$20 for each offense.

Section 461b forbids county superintendents from teaching or engaging in other pursuits for the term they are elected. Penalty for violation, removal from office; but provisions of this section shall not be applicable to counties in which the salary of county superintendent of schools is less than \$800 per annum.

SEC. 498. Every district clerk who willfully neglects to make the annual report for his district, as required by law, shall be liable to pay the whole amount of money lost by such district in consequence of his neglect. And in section 499 town clerks and county superintendents are likewise made liable for neglect to make required reports.

Sections 413 and 415 describe how a school district shall be formed, providing that the supervisors shall deliver to a taxable inhabitant of the district their notice thereof, appointing a time and place for the first district meeting, and shall direct such inhabitant to notify every qualified voter of the district either personally or in writing at least five days before the time appointed therefor.

Section 500 contains the penalty for neglect of duty of such taxable inhabitant mentioned in sections 413 and 415, namely, he shall forfeit the sum of \$5; and every person elected to the office of director, treasurer, or clerk of any school district who shall neglect or refuse without sufficient cause to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect them, shall forfeit the sum of \$10; and every school district officer neglecting to deliver his books and papers to his successor shall forfeit not exceeding \$50.

SEC. 501. Officers and teachers of schools and school districts are forbidden to be agents of school books or furniture. Penalty, \$50 to \$200, and liable to removal from office.

SEC. 502. District clerk drawing an order upon the treasurer for any purpose not authorized by law and every director countersigning such order shall forfeit for each order \$20 to \$100.

SEC. 504. Each supervisor or other officer refusing or neglecting to carry into effect any decision of the State superintendent shall forfeit the sum of \$50.

SEC. 505. The director of the school district shall prosecute for the recovery of any forfeiture under the provisions of this chapter, except when such director has incurred a forfeiture, in which case such action shall be prosecuted by the treasurer of such district. In case either shall neglect or refuse to prosecute he shall forfeit \$20.

GAME LAWS.

Fish and game (chap. 188, p. 326, approved April 8, 1897).—SEC. 1. The ownership of and title to all fish and game in the State of Wisconsin is hereby declared to be in the State.

SEC. 3. Bass fishing is prohibited from March 1 to May 25. Certain places excepted. Penalty for violation, \$10 to \$25 or imprisonment in county jail not more than ten days.

NOTE.—Former close season for bass from August 20 to April 15. Former penalty, \$10 to \$100.

SEC. 4. Trout fishing prohibited between September 1 and the succeeding fifteenth day of April. Violation, fine \$10 to \$50 or imprisonment in the county jail not exceeding thirty days, or both, in the discretion of the court.

NOTE.—Former close season August 20 to April 15. Former penalty, \$10 to \$100.

SEC. 5. Nets and traps are prohibited in inland waters, but dip nets may be used at certain times and for certain fish. Penalty, \$25 to \$100 and imprisonment until fine be paid, not exceeding ninety days. Former penalty, \$10 to \$100.

SEC. 6. Except as otherwise provided, only angling and trolling are allowed in inland waters. Penalty, \$10 to \$50 or imprisonment in county jail thirty to sixty days.

NOTE.—Former penalty, \$5 to \$100 and imprisonment until paid or discharged.

SEC. 7. Dynamite or other explosives not allowed except to clean channels for log driving: Penalty, \$25 to \$250 or imprisonment in county jail from sixty days to six months.

NOTE.—Former penalty, \$25 to \$100.

SEC. 8. It is made unlawful to fish through the ice with more than five lines or to occupy fish houses for fishing through the ice except in Sturgeon Bay and lakes in Waukesha County: Violation, fine \$20 to \$50 or imprisonment in county jail thirty days.

NOTE.—Former penalty for fishing through the ice, \$10 to \$100.

SEC. 9. Fishing huts to be open at all times for inspection of fish and game warden. Any person refusing to permit such investigation shall be deemed guilty of maintaining a public nuisance: Penalty, \$20 to \$50, and the structure may be destroyed.

SEC. 10. Unlawful to use substances deleterious to fish life: Penalty, \$10 to \$50 or imprisonment in county jail thirty to ninety days, or both.

NOTE.—Former penalty, \$10 to \$100.

SEC. 11. Unlawful to set nets in certain waters of Lake Michigan or Lake Superior: Penalty, fine \$25 to \$100 or imprisonment in county jail thirty days to three months.

NOTE.—Former penalty, \$25 to \$100.

SEC. 12. Nets are prohibited in Green Bay from April 1 to May 1: Penalty, \$25 to \$100 and imprisonment until fine shall be paid, not exceeding ninety days.

SEC. 13. Nets prohibited in Sturgeon Bay at all times, except nets for catching minnows: Violation, fine \$25 to \$100 and imprisonment until fine is paid, not exceeding ninety days; former penalty, the same fine.

SEC. 14. Nets are prohibited in Detroit Harbor, except for catching minnows: Penalty as in section 13.

Section 15 describes the minimum weight of any fish allowed in possession: Violation, penalty as in section 13.

NOTE.—The permissible weight of fish to be caught has been changed; penalty the same.

Section 15a protects whitefish between October 15 and December 1: Penalty the same as in section 13.

SEC. 16. Nets in Little Sturgeon Bay prohibited within certain lines: Penalty as in section 13.

SEC. 17. Nets prohibited in waters bordering on Dorr County: Penalty as in section 13.

Section 18 regulates the size of mesh in gill nets in Green Bay.

SEC. 19. Regulates the size of nets in Lake Michigan: Penalties as above.

Section 21 relates to the hunting of deer; prescribes a close season; prohibits hunting by dogs or in the nighttime, or to capture by pitfalls, or traps, or artificial lights, or to kill more than two deer at any time during the open season, or to kill in the waters or on the ice: Penalty, \$25 to \$100, or imprisonment from two to six months, or both.

Section 22 protects prairie chicken and woodcock: Penalty, \$10 to \$50 and imprisonment in county jail until fine is paid, not more than ninety days.

Section 23 protects wild duck and geese: Penalty, \$20 to \$50 and county jail until fine is paid, not exceeding three months.

SEC. 24. Unlawful to shoot ducks and geese between sundown and the following sunrise: Penalty, \$25 to \$100 and imprisonment till fine is paid, not exceeding sixty days.

SEC. 25. Unlawful to use sneakboats, rafts, or artificial ambush: Penalty, \$10 to \$50 or imprisonment until fine is paid, not exceeding thirty days.

Section 26 forbids the use of snares, nets, and spring guns: Penalty, \$10 to \$50 or imprisonment in county jail not more than sixty days.

NOTE.—Former penalty, \$10 to \$100.

Section 27 prohibits the taking of pheasants and quails until 1901: Penalty, fine not more than \$50 or imprisonment in county jail not more than thirty days.

Section 28 prohibits nets to ensnare ducks: Penalty, \$50 to \$100 or imprisonment in county jail sixty to ninety days.

Section 29 prohibits pivot or swivel guns: Penalty, fine \$25 to \$100 or imprisonment in county jail from thirty days to three months.

NOTE.—Former penalty, \$5 to \$100 for each offense.

SEC. 30. Unlawful to catch harmless birds, but section does not apply to blackbirds, English sparrows, or pigeon for trap shooting: Penalty, not more than \$50 or imprisonment in county jail not more than thirty days.

NOTE.—Former penalty, \$10 to \$100.

Section 31 forbids the destruction of eggs, except those of crows and English sparrows: Penalty, fine not more than \$5 or imprisonment in county jail not less than ten days.

Sec. 32. Unlawful to interfere with any carrier or homing pigeon: Penalty, fine \$10 to \$50 or imprisonment not more than three months.

NOTE.—Former penalty, \$10 to \$100.

Sec. 33. Unlawful to hunt rabbits with ferret, to kill otter, marten, or fisher, from May 1 to October 1; or to molest muskrat houses at any time: Penalty, \$10 to \$25, or imprisonment until fine is paid, not exceeding thirty days.

Sec. 34. Unlawful to enter growing or standing grain without permission of owner. Violation, misdemeanor: Penalty, \$5 to \$10 and costs; in default of payment, county jail ten to thirty days.

Sec. 35. Unlawful to have fish or game in possession during close season; hotel keepers liable if fish or game is served to their guests out of season; unlawful for employee of Fish Commission to have fish in his possession unless directed by the superintendent to take it: Penalty, \$25 to \$100.

Sec. 36. Unlawful to expose for sale game or fish in close season or to purchase the same: Penalty, \$25 to \$100.

Sec. 37. Unlawful to transport fish or game during close season. Any person or company violating this section shall forfeit \$25 to \$100 for each violation, to be recovered in a civil action.

Section 47 requires fishermen engaged in the business to make a report annually of all food-fish caught during the year. Failure to make such report, or willfully making false report, fine \$25 to \$50.

Protecting fish (chap. 209, p. 378, approved April 10, 1897).—Protects fish in Lake de Neveu, in Fond du Lac County. Prescribes close season and forbids taking of Oswego bass or pickerel less than 8 inches in length. Violation, misdemeanor: Penalty, \$5 to \$10; in default of payment of fine and costs, county jail not to exceed twenty days.

NOTE.—Virtually an amendment of section 34, chap. 221, 1895. Close season shortened by a month. Former length of fish, 7 inches. Former penalty, \$5 or not over thirty days in jail.

Wild fowl (chap. 274, p. 523, approved April 20, 1897).—Section 1 makes it unlawful to hunt aquatic fowl in boats of any description: Penalty for violation, \$5 to \$25 or imprisonment in county jail ten to thirty days.

NOTE.—Similar provision in sec. 23, art. 6, chapter 221, 1895. Former penalty, \$10 to \$100.

Fish in Dane County (chap. 281, p. 553, approved April 21, 1897).—Prescribes close season for fish in Dane County and regulates taking of the same.

Sec. 3. Violation, misdemeanor: Fine, first offense, \$50 to \$100; any subsequent offense, a like fine and imprisonment in county jail ten to thirty days.

NOTE.—Amends previous law. Penalty unchanged.

WYOMING.

1897.

Felonies and misdemeanors.—Crimes which may be punished with death or imprisonment in the penitentiary shall be denominated felonies, and all other offenses against the criminal law of this Territory shall be denominated misdemeanors. (Rev. Stat. 1887, sec. 866.)

NOTE.—The above is taken from revised statutes of the Territory of Wyoming, but in the first session of the legislature, State of Wyoming, an act was passed, approved January 8, 1891, adopting such revised statutes and session laws of 1888 and 1890 "as the laws of the State of Wyoming."

Breaking into locked buildings, etc.—An act making it felony to unlawfully break into any locked building, outhouse, or car. (Chap. 6, p. 29, approved February 6, 1897.)

Penalty, imprisonment not more than ten years.

NOTE.—Former penalty, "not more than fourteen years."

Oil inspectors.—An act for the employment of oil inspectors, prescribing their duties and compensation. (Chap. 29, p. 56, approved February 23, 1897.)

An act consisting of ten sections providing for fire test for illuminating oil, and that any inspector "who shall falsely brand any package, cask, or barrel, or be guilty of any fraud, etc., in the performance of his official duties, shall be fined not exceeding \$200, and shall be liable to the parties injured for damages."

Section 8 provides that any manufacturer or refiner or dealer in coal oil who neglects to notify the inspector, or who shall offer for sale oil that has not been inspected, or oil below the standard, to wit, less than 150° F., shall be fined not exceeding \$500, and be liable for damages, and all casks, barrels, etc., so falsely used forfeited and seized.

Section 9 provides that one-half the fines shall go to the informer and one-half go into the general fund of the county, city, or town.

Game law.—Act for protection of game and fish, to amend law approved February 20, 1895. (Chap. 18, p. 41, approved February 15, 1897.)

No person allowed to take trout, landlocked salmon, or grayling during the months of October, November, December, January, February, March, and April. Possession, selling, or offering such fish a misdemeanor: Penalty, fine not less than \$25 nor more than \$50 or imprisonment not more than three months, or both.

NOTE.—Close season formerly began with November and ended with May. Penalty unchanged.

Certain birds.—An act relating to game and fish. (Chap. 69, p. 125, approved March 1, 1897.)

An act to amend and reenact section 12 of chapter 98 of session laws 1895, relating to game and fish, and entitled "An act for the protection of game and fish," approved February 20, 1895.

Section 12 provides that no person shall kill or trap within the State snipe, green shank, tattler, godwit, curlew, avoset, or other wader, or plover, nor quail, lark, whip-poor-will, finch, thrush, snowbird turkey buzzard, robin, or other insectivorous birds, except that partridges, pheasant, prairie chicken, prairie hen, or grouse, may be shot from July 15 to October 1 of each year: Penalty, fine of not less than \$5 nor more than \$50 with costs of suits.

NOTE.—Former open season from August 15 to November 1.

Life insurance.—An act to amend an act to prevent discrimination in life insurance, approved January 22, 1891. (Chap. 33, p. 63, approved February 24, 1897.)

Section 3 of the law as amended makes it a misdemeanor to violate this law: Penalty, fine of \$500 for each offense when the life insurance is \$25,000 or less, and for every additional \$25,000, \$500 additional penalty, to be paid into the county treasury for common-school fund.

NOTE.—Verbal changes only with the addition of a sentence calling attention to duties of State auditor or insurance commissioner of such rebate or having been allowed or offered, so that he may cancel the license of agent for one year, etc.

Life and accident insurance companies.—An act to amend section 2 of an act concerning life and accident companies, approved February 28, 1888, and adding section relating to form of application. (Chap. 35, p. 65, approved February 24, 1897.)

Section 1 regulates the fees insurance companies shall pay to the insurance commissioner, \$50 for the first, \$25 for each annual subsequent fee, and for each certificate of authority issued to agents \$1. Failure to file such statement shall cause license to be revoked. Refusal to comply with provision of this act fine of not less than \$50 nor more than \$1,000 or imprisonment in county jail not less than thirty days nor more than one year, or both.

Section 3 provides that insurance companies doing business on the assessment plan shall have the words "Assessment Insurance" in large letters on every application and every policy. Failure to comply, suspension of such company till it complies.

NOTE.—Section 3 new.

Adulteration of candy.—An act to prevent adulteration of candy. (Chap. 39, p. 69, approved February 24, 1897.)

Adulteration by mixture of terra alba, barytes, talc, or any other mineral substance, poisonous color, or flavor, or other deleterious ingredients forbidden: Penalty, fine not exceeding \$100 nor less than \$50, the candy to be destroyed.

Restoration to citizenship.—An act providing restoration to citizenship. (Chap. 46, p. 75, approved February 24, 1897.)

Section 1 provides that the governor may restore to citizenship a person who conducts himself properly after discharge from penitentiary.

Section 2 provides that application shall be made to governor in same manner as for pardon.

Sheep inspectors.—An act for appointment of sheep inspectors. (Chap. 57, p. 100, approved March, 1897.)

An act of 26 sections.

Section 1 provides for method of appointment and term of office.

Section 4 provides that each inspector shall deliver to each sheep owner blank affidavits for name of owner, paint marks of identification, place of grazing, whether sheep have scab or other infectious disease. Penalty for neglect or refusal to file the affidavit with sheep inspector before July 1 in each year \$10 for each day of failure after July 1, to be paid to county treasurer.

Section 7 provides that a person filing a false affidavit shall be punished in the manner provided for perjury.

Section 8 provides that each inspector shall receive a fee of 75 cents for each affidavit filed.

Sections 9, 10, 11, 12, 13, 14, 15, 16, relate to scab and other infectious diseases. Neglect of the provisions of these sections constitutes misdemeanors: Penalty, fine of not less than \$25 nor more than \$500, except misdemeanors under sections 11 and 12, punishable by fine of not less than \$500 nor more than \$2,000, to be paid into the county treasury.

Section 24 declares chapter 125 of Session Laws of 1895 repealed.

NOTE.—Changes in this act from former act: Section 4, former time April 15 to May 15; section 5, former time June 1; section 6, former time June; section 8, former fee \$2; section 11, former penalty \$1,000 to \$2,000; section 14, former penalty \$500 to \$1,000; section 15, former penalty \$25 to \$250; section 16, former penalty \$25 to \$250; section 19, former fees added 15 cents per mile traveled.

Taxation of live stock.—An act concerning taxation of live stock. (Chap. 59, p. 109, approved March 1, 1897.)

An act of 14 sections, prescribing method of assessment, collection, and division of taxes received from any live stock brought into the State or moved from one county to another for grazing purposes, and fixing the penalty and forfeiture thereunder, and repealing chapter 78 of the laws of 1888, and chapter 61 of the laws of 1895.

Section 4 declares that 40 cents a year shall be paid on every head of cattle, and 10 cents on each head of sheep and other live stock, to be returned if the person have paid the regular annual tax in that county for the year, etc.

Section 5 provides that any person bringing in live stock without filing certificate and paying the amount per head, or giving bond as provided, shall be fined not less than \$10 nor more than \$100 and forfeit 50 cents for every head, for the use of the county.

Section 7 provides that any person moving stock out of the county to evade the payment of forfeiture shall be punished by fine of not less than \$10 nor more than \$100 and imprisonment in county jail not exceeding six months for each offense.

Section 10 provides that any person bringing live stock from one county to another without filing certificate within thirty days shall be subject to fine of not less than \$10 nor more than \$100 or imprisonment in county jail of not more than six months, and in addition said live stock shall not be exempt from taxation in the county from which they were taken.

Section 12 provides that any county officer who shall fail to perform the duties prescribed in this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$500.

NOTE.—Changes: Section 1, former tax 20 cents a head; sections 9, 10, 11, 12, new.

Banking.—An act to regulate banking. (Chap. 66, p. 121, approved March 1, 1897.)

An act to amend and reenact sections 1, 2, 3, and 4, of chapter 36 of the laws of 1888, regulating banks and banking.

Section 1 amended to read that every person or persons in the business of banking, etc., shall make a full statement of resources and liabilities whenever called on by the State examiner, not less than four times a year.

Section 3 provides that this statement shall be verified by the oath of the cashier, owner, or manager, and shall be published once in the nearest newspaper, etc. Penalty, fine of not less than \$100 nor more than \$1,000 or by imprisonment in county jail not less than three months nor more than one year, or both.

Shade trees.—An act concerning the injury of shade trees. (Chap. 71, p. 127, approved March 1, 1897.)

An act to amend and reenact section 68 of chapter 73 of the Session Laws of 1890, it being an act entitled An act defining crimes, regulating criminal procedure, and for other purposes.

Section 68 amended to read: Whoever unlawfully removes, destroys, cuts, or girdles any shade tree, fruit tree, or fruit-bearing bush or shrub, or carries off, removes, or in any wise injures the protecting box placed for the protection of such tree, bush, or shrub shall be fined in any sum not more than \$50.

NOTE.—Change: Adds "fruit tree or fruit-bearing bush or shrub."

TERRITORIES.

ARIZONA.

Live stock laws.—An act to codify and revise the laws with reference to live stock. An act consisting of 82 sections, covering 26 pages of the laws and repealing various laws of 1889, 1891, 1893, 1895. (No. 6, p. 9, approved March 1, 1897.)

The law provides for the appointment by the governor of three commissioners who shall constitute the live stock sanitary board of the Territory of Arizona; also for the appointment of Territorial veterinary surgeons.

Sec. 3. It is made the duty of any person discovering contagious or infectious diseases among domestic animals to report the same to the board or to the Territorial veterinarian. Violation, a misdemeanor.

Provision is made for the quarantine and in necessary cases for the slaughter of diseased animals.

Sec. 8. Any person having in his possession a domestic animal affected with any contagious or infectious disease, or who shall sell or give away such animal, or who shall violate quarantine laws, shall be deemed guilty of a misdemeanor. It is made unlawful for butchers to sell or give away or use any part of such animal or its milk, or to remove any part of the skin.

Sec. 11. Any person knowingly bringing into the Territory any such diseased animals shall be deemed guilty of a misdemeanor.

Sec. 12. Violation of the provisions of this act a misdemeanor: Penalty, fine \$50 to \$300 and liability for damages.

Sections 15, 16, 17, provide for the appointment of stock inspectors and make it their duty to arrest persons who have committed any crime or misdemeanor in feloniously marking or branding any stock, stealing stock, or other crime or misdemeanor against stock laws.

Sec. 25. Any person who shall drive stock off their usual range without the consent of the owner shall be deemed guilty of larceny.

Section 26 makes it unlawful for railroad companies to receive live stock for transportation without a certificate from a duly authorized inspector. Violation a misdemeanor: Penalty, fine \$100 to \$5,000, in the discretion of the court.

Sec. 27. Violation of sections 21, 22, 23, or 24, relating to duties of inspectors, requiring records of inspection, the filing of bonds by inspectors, and prohibiting false certificates, a misdemeanor: Penalty, fine not exceeding \$300 or imprisonment in county jail not exceeding six months, or by both.

Sec. 28. No person shall, between February 1 and December 1 of any year, turn loose cattle capable of communicating what is known as Texas, splenetic, or Spanish fever. Violation, a misdemeanor: Penalty, \$100 to \$20,000 or imprisonment in county jail from thirty days to one year, or both.

Section 29 forbids railroads to transport or deliver cattle affected with Texas, splenetic, or Spanish fever during the same period. Violation, a misdemeanor: Penalty, \$500 to \$2,000 or imprisonment thirty days to one year, or by both. Cattle in transit through the Territory are not liable.

Sec. 32. Persons violating the provisions of the act in regard to cattle affected with Texas fever shall be liable to any party injured for any damage that may arise, to be recovered in a civil action, and the party injured shall have a lien on the cattle communicating the disease.

Section 39 provides for a record of animals slaughtered for sale, and for the inspection and tagging of hides. The secret removal of hides or obliterating marks, a misdemeanor.

Sec. 40. Ranchmen or traders slaughtering cattle for sale must take meat and hides to a regularly-appointed inspector, and persons not engaged as butchers slaughtering cattle for their own use and consumption or for sale shall retain the hides, with the earmarks, for the period of twenty-one days, free to the inspection of all persons. Violation, a misdemeanor: Penalty, fine not exceeding \$200.

Sec. 41. Persons engaged in the business of slaughtering animals for sale shall give a bond in the penal sum of \$1,000 not to slaughter or expose for sale any neat animal or the meat thereof without being first the legal and equitable owner thereof. In case of wrongful possession and slaughter they shall pay double the value of any such animal, one-half to the owner, one-fourth to the inspector or person discovering the wrongful deception, and the remaining one-fourth to said board.

Sec. 42. Persons engaged in the business of slaughtering are to keep a faithful record of all cattle purchased or slaughtered, with a description of the animals, date

of purchase, etc. Violation, a misdemeanor: Penalty, \$50 to \$100 for every day of failure to comply with this section.

Section 43 makes it unlawful for railroads to transport hides until inspected and tagged. Violation, a misdemeanor: Penalty, \$100 to \$500.

Sections 48 to 61 provide for a Territorial brand book, and regulate the use of brands and the sale of branded cattle.

SEC. 62. Any person branding unmarked horses or cattle running at large in the Territory with a mark or brand not recorded under the provisions of this act, or who for the purpose of branding uses as a brand a sash, frying pan, or any device whatsoever to obliterate a brand, or any person using any unrecorded brand, or shall use a like brand in the same position or place recorded by another, shall be deemed guilty of larceny of said animal.

SEC. 66. Railroad companies shall be liable to owners of cattle for damages sustained by killing or injuring the same.

SEC. 67. If the owner or his agents shall drive any animal upon the track with the intent to injure or kill it, such owner shall be liable for all injury or damage, and shall be punished as provided in penal code for felony.

SEC. 68. It is made the duty of section foremen to keep a record of all stock killed or crippled, giving marks, brands, etc.

Sections 69, 70, and 71 require railroads which may fence their line to provide openings at least 60 feet in width at every five miles.

SEC. 72. Violation of sections 68, 69, 70, and 71, a misdemeanor: Penalty, \$100 to \$300.

Section 73 provides that inspection of live stock shall be made in the daylight and by driving animals into a pen or corral in bunches of not more than five.

SEC. 74. Violation of section 73 a misdemeanor: Penalty, fine \$50 to \$300 or imprisonment in county jail not more than ninety days.

SEC. 75. Any person violating any provisions of this act, the penalty of which is not otherwise specially provided for, shall be guilty of a misdemeanor: Penalty, fine \$10 to \$300 or imprisonment in county jail not less than ten days nor more than six months, or by both.

Foreign building and loan corporations (No. 8, p. 35, approved March 4, 1897).—Forbids building and loan corporations organized under the laws of any other State, Territory, or foreign country to transact business without executing a sufficient bond in the sum of \$15,000, to be deposited with the Territorial treasurer for the benefit of stockholders residing in the Territory. The form of the bond is prescribed and conditions as sureties and approval.

SEC. 12. Any person or agent soliciting investments or delivering certificates of stock on account of such corporation which has not complied with the provisions of the act shall be guilty of a misdemeanor: Penalty, fine \$50 to \$200 or imprisonment in county jail not exceeding three months.

Defining crime of homicide and to provide punishment therefor (No. 17, p. 51, approved March 16, 1897).—SECTION 1. Murder is the unlawful killing of a human being with malice aforethought. Such malice is expressed or implied. It is expressed when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied where no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

SEC. 2. All murder which is perpetrated by means of poison or lying in wait, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of or attempt to perpetrate arson, rape, robbery, burglary, or mayhem is murder of the first degree, and all other kinds of murder are of the second degree.

SEC. 3. Every person guilty of murder in the first degree shall suffer death or imprisonment in the Territorial prison for life, at the discretion of the jury trying the same or, upon the plea of guilty, the court shall determine the same; and every person guilty of murder in the second degree is punishable by imprisonment in the Territorial prison not less than ten years.

SEC. 4. Paragraphs 276 [section 276], 277 [section 277], 278 [section 278], of Title III, Chapter 1, entitled "Of crimes against the person" of the penal code of Arizona are hereby repealed.

Game laws—Brook or mountain trout (No. 34, p. 71, approved March 17, 1897).—Section 1 amends section 5, act No. 77, approved April 12, 1893. Forbids the taking of brook or mountain trout between September 1 and June 1. Violation a misdemeanor.

Game birds and animals (No. 41, p. 77, approved March 16, 1897).—Amends title 16 of the Penal Code of the Revised Statutes of Arizona, 1897, relating to the preservation of game birds and animals, and provides punishment for the unlawful taking, killing, and transportation thereof. The act consists of 19 sections, and protects birds, deer, antelope, mountain sheep, etc.

SEC. 17. Violation of any of the provisions of the act is punishable by fine of \$25 to \$100 and costs, and in default of payment, imprisonment in county jail for a period not to exceed one day for each dollar of such fine and costs unpaid.

Under this act Indians caught hunting in this Territory off their reservations, are guilty of a misdemeanor.

Regulating the practice of medicine (No. 48, p. 86, approved March 18, 1897).—It is made unlawful to practice medicine, surgery, or obstetrics without a diploma regularly issued by a medical college lawfully organized under the laws of the State or Territory wherein said college shall be located.

Sections 2 and 3 provide for the appointment of a board of medical examiners by the governor, made up of two physicians of the so-called regular school of medicine, two of the so-called homeopathic school of medicine, and two of the so-called electric school. Said board shall examine all applicants, each of whom shall pay a fee of \$5, which shall be the only compensation of said board of examiners.

It is made unlawful to practice medicine or surgery without passing a satisfactory examination.

SEC. 6. Violation of the provisions of the act a misdemeanor: Penalty, fine \$100 to \$300 or imprisonment in county jail for three to six months, or both.

Houses of prostitution in mining camps (No. 61, p. 114, approved March 18, 1897).—SECTION 1. It shall be unlawful for any person to keep or maintain any house of prostitution upon or adjoining any street, road, or highway which is required or used by the public as one of the principal means of entrance to or exit from a mining camp or mining community, or which is required or used by the public as the main or principal road, street, or highway of a mining camp or mining community.

SEC. 2. Any portion of this Territory outside of the corporate limits of a city, where mining is carried on, shall, for the purposes of this act, be deemed a mining camp or mining community.

SEC. 3. No license for the sale of intoxicating liquors or beverages shall be granted or issued to any person engaged in keeping any public house, hotel, inn, saloon, or tavern upon or adjoining any such road, street, or highway as is mentioned in the first section of this act where prostitution is knowingly permitted.

SEC. 4. Any person who shall violate any of the provisions in this act shall be guilty of a misdemeanor, and upon a conviction of such violation shall be punished by a fine of one hundred (\$100.00) dollars or by imprisonment in the county jail for six months, or by both such fine and imprisonment.

NEW MEXICO.

1897.

County commissioners (chap. 6, p. 20, approved February 5, 1897).—An act in relation to removal of county seats. Provides for petitioning the board of county commissioners by qualified electors of the county and for various guaranties from responsible citizens of the place to which the petitioners desire the county seat removed. Describes the duties of county commissioners in regard to holding an election for the transfer of the county seat, the erection of suitable buildings, etc.

Any county commissioner or other county officer failing to carry out the provisions of the act shall be deemed guilty of a misdemeanor: Penalty, fine \$500 to \$1,000.

The same (chap. 60, p. 129, approved March 18, 1897).—An act to provide for the compensation of county officers.

SEC. 15. The county commissioners shall receive no mileage or additional compensation for attending special or called meetings; and any county commissioner who shall vote to approve any account or order any money paid to any officer or individual, except as provided by law, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500; and the money so illegally ordered to be paid shall be recovered in a suit brought in the name of the county on his official bond.

Insurance companies (chap. 38, p. 65, approved March 12, 1897).—Section 1 requires every agent of any foreign fire insurance company to pay to the treasurer

of the fire department of every city, town, or village, the sum of \$2 on every \$100 upon the amount of all premiums received by such agent for insurance effected by him upon property situated within the corporate limits of such city or town.

Section 2 requires agents of foreign corporations to file a bond with the officer to whom such account is to be rendered.

SEC. 3. Every person effecting any such insurance without having executed and delivered such a bond, shall forfeit \$200 for the use and benefit of the fire department of such city, town, or village. The treasurer of the county in which is situated any town or village having no fire department shall apportion and pay over all such moneys so received to the treasurers of the several fire departments and companies that are duly organized within the limits of such counties. He shall forfeit the sum of \$200 for every such neglect or refusal.

SEC. 4. Every person whose property is insured in violation of section 3 or who shall refuse to exhibit to the officer entitled to receive the per cent of premium all policies placed upon his property, shall become liable to an action in the name of the fire department for the sum of \$100 for each neglect or refusal, and brokers neglecting to comply with the provisions of this section shall be liable to like action and penalty.

The same (chap. 49, p. 90, approved March 17, 1897).—SEC. 1. No fire insurance company shall be permitted to do any business in this Territory until such company, in addition to other requirements of law, shall deposit with the treasurer of the Territory the sum of not less than \$10,000 in lawful money of the United States or in bonds of the Territory of New Mexico or some county or city thereof of the par value of \$10,000 in Territorial or county bonds or real estate, which deposit shall be held for the benefit and security of the policy holders residing in the Territory of New Mexico, with the condition that said deposit shall not be surrendered to such company until all claims in this Territory shall have been satisfied. They shall not charge any higher rates than those charged on the 1st day of January, 1897.

SEC. 2. Any fire insurance company doing business in this Territory failing to comply with the provisions of section 1 of this act shall, upon conviction thereof before the district court, be fined the sum of not less than \$100 nor more than \$1,000.

Payment of wages of workmen (chap. 11, p. 27, approved February 17, 1897).—The act repeals chapter 26 of the laws of 1893, and provides for the payment of wages of workmen employed in the mines of New Mexico in lawful money of the United States.

Section 1 makes it unlawful to give scrip, checks, drafts, or orders redeemable otherwise than in their face value in money. Violation, a misdemeanor: Penalty, fine \$250 to \$500.

SEC. 2. Whoever compels or coerces any person to purchase goods from any particular firm or corporation shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment in county jail not exceeding sixty days, or both.

Misusing or destroying park property (chap. 15, p. 32, approved February 17, 1897).—An act to encourage the establishment, development, and maintenance of parks.

SEC. 10. Any person guilty of misusing, disfiguring, or destroying any park shall be punished by fine of from \$5 to \$100 or imprisonment in county jail ten to thirty days, or both.

Malicious interference with railroads (chap. 16, p. 35, approved February 17, 1897).

SEC. 1. Interference with any part of any locomotive, tender or car, removing journal bearings, brasses, etc., a felony: Penalty, imprisonment in Territorial penitentiary one to five years.

If such malicious and unlawful removal of fixtures shall be the cause of wrecking any locomotive or car and result in the death of any person, the person guilty of such removal shall be deemed guilty of assault with intent to commit murder, or guilty of murder, as the case may be, and upon conviction shall be punished as in other cases of assault with intent to commit murder and murder.

SEC. 2. Any person knowingly buying or receiving any such articles or fixtures without the consent in writing of the president, general manager, or superintendent of the railroad owning such property shall be guilty of receiving stolen property and subject to penalties prescribed by law.

SEC. 3. The removal of any waste or lubricating packing from the journal boxes of an engine a misdemeanor: Penalty, fine \$5 to \$25 or imprisonment in county jail from ten to thirty days, or by both.

SEC. 4. Unlawfully or maliciously removing switch lamps or signal lamps a misdemeanor: Penalty, fine \$5 to \$100 or imprisonment in county jail ten to one hundred days, or by both.

Breaking or entering railroad cars (chap. 17, p. 37, approved February 20, 1897).—Amends section 771 of the Compiled Laws of 1884 so as to read:

"SEC. 771. Any person who shall in the day or night time enter, by force or otherwise, any car of any railroad company operating a railroad within this territory, and with intent to steal any valuable thing then and there being, or that shall willfully or wrongfully break any seal placed upon any car by such railroad company, shall be deemed guilty of a burglary, and, upon conviction thereof, shall be punished as in other cases of burglary.

"A seal within the meaning of this act shall be any strip of tin, zinc, lead, iron, or other metal, attached to any of the doors, windows, or openings of any such car in such manner that to enter such door, window, or opening, it shall be necessary to break, remove, or open such seal.

"Any person who shall have unlawfully entered any such car with intent to steal, or who shall have willfully and wrongfully broken any seal placed upon any such car, may be prosecuted and convicted for said offense in any county in this Territory where any such party may have been found in said car, or any property taken therefrom found in his possession, whether the original breaking or entering of such car or the breaking of the seal upon any such car occurred in said county or in some other county of this Territory."

Pollution of water supply (chap. 23, p. 46, approved March 1, 1897).—Section 1 makes it unlawful to empty sewage into rivers, springs, and lakes, or to befoul them so as to render the same dangerous to the health of the community or unfit for watering stock.

SEC. 3. Penalty, fine \$10 to \$100 or imprisonment in county jail ten to sixty days, or by both.

Licenses for nickel-in-the-slot machines (chap. 31, p. 53, approved March 10, 1897).—Section 1 establishes an annual license fee of \$50 for each nickel-in-the-slot or penny-in-the-slot machine operated.

SEC. 2. Failure to comply with law punishable by fine from \$10 to \$100.

Amendment of preceding act (chap. 46, p. 87, approved March 17, 1897).—Provides that "no nickel-in-the-slot machine used purely as a musical instrument, for weighing, or for other similar purposes, and not as a gambling device or game of chance, shall be regarded as coming under the provisions of this act."

Protection of game and fish (chap. 32, p. 53, approved March 10, 1897).—A law prescribing a close season for game and fish, prohibiting the use of nets and seines, trespass upon private property for fishing, the unlawful sale of game or birds, etc.

SEC. 12. Violation of provisions of the act a misdemeanor: Penalty, fine \$25 to \$100 or imprisonment in county jail from twenty to sixty days, or by both. But any person convicted of using any drug or explosive substance, or of turning the waters of any stream for the purpose of killing or taking fish shall be fined from \$100 to \$300 and imprisoned in the county jail from sixty days to six months.

Opening gates on private property (chap. 39, p. 68, approved March 12, 1897).—An act in relation to roads.

Section 1 makes it illegal to open any fence of private individuals for the purpose of using a road passing through private property.

SEC. 2. Any person opening the gate of any fence, the same being private property, who shall neglect to close it, shall be responsible to the owner for damage to grass or crops.

SEC. 3. In addition to the damage provided by law, violation of this act shall be a misdemeanor: Penalty, fine \$5 to \$10.

Indebtedness of counties, municipal corporations, etc. (chap. 42, p. 71, approved March 12, 1897).—An elaborate law providing for the funding of floating indebtedness of counties, boards of education, municipal corporations, and school districts.

SEC. 15. Any officer of any county, city, or town who shall use the fund belonging to any current year for any other purpose than paying the current expenses of that year, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor: Penalty, fine from \$100 to \$1,000 or confinement in county jail not more than six months, or by both.

Disease among sheep (chap. 52, p. 102, approved March 18, 1897).—The act provides for a sheep sanitary board, for sheep inspectors, and for the dipping of sheep.

SEC. 8. Violation of the provisions of this act by any member of said board or inspector or agent, fine not more than \$100 and forfeiture of office.

License tax (chap. 53, p. 107, approved March 18, 1897).—Imposes a tax upon peddlers, insurance agents, keepers of hotels or inns, dealers in merchandise, owners of buildings for public amusements, etc.

SEC. 9. Any person, firm, or corporation engaging in any business requiring to be licensed before paying shall be guilty of misdemeanor: Penalty, fine \$50 to \$500 or imprisonment in county jail not more than six months.

Parties making false oath shall be deemed guilty of perjury and punished accordingly.

Contagious diseases among cattle (chap. 55, p. 121, approved March 18, 1897).—Provides for the inspection and for the slaughtering of cattle when deemed necessary by the sanitary board; also for indemnity for cattle slaughtered.

SEC. 5. Any person refusing to permit animals to be inspected, quarantined, or slaughtered as provided in the act shall be deemed guilty of a misdemeanor: Penalty, fine \$50 to \$100, or imprisonment in county jail thirty to sixty days, or both.

Intoxicating liquors (chap. 56, p. 123, approved March 18, 1897).—Makes it unlawful to sell beer, spirituous, vinous, malt, fermented, or alcoholic liquors of any kind without a license as required by the act of February 2, 1891. Violation of any of the provisions of previous section a misdemeanor: Penalty, first offense, \$50 to \$100; subsequent convictions not less than \$100.

Mining claims (chap. 58, p. 124, approved March 18, 1897).—Sections 1 and 2 provide for the forfeiture of claims upon failure to perform the necessary amount of work required by law. (Sec. 1, chap. 25, twenty-eighth session of legislative assembly in New Mexico.)

SEC. 3. Any person altering, defacing, or changing the location notice of any mining claim, and thereby affecting the rights of any person to such claim, guilty of a misdemeanor: Penalty, fine \$100 to \$500, or imprisonment in county jail sixty days to one year, or both.

SEC. 4. Any person, either by himself or in collusion with others, who shall relocate a forfeited claim in violation of the provisions of this act shall be deemed guilty of a misdemeanor: Penalty as in section 3.

Bridges and ditches (chap. 59, p. 128, approved March 18, 1897).—Mayor domos of public and community ditches shall construct good and substantial bridges to the cost of the owners of said ditch.

SEC. 3. Every person failing or refusing to pay his share for such purpose after he has been notified by the mayor domo shall be deprived of the use of such water until he pays his share.

SEC. 4. Any mayor domo neglecting to comply with the duties imposed upon him by the provisions of this act shall be fined in a sum of not less than from \$25 to \$50.

Registration of pharmacists (chap. 63, p. 138, approved March 18, 1897).—Amends section 851 of the compiled laws of the Territory of New Mexico of 1884.

Section 1 makes it unlawful for any person not a registered pharmacist to sell or to dispense poisons enumerated in Schedules A and B, which follow.

SEC. 2. Violation of provisions of the act a misdemeanor: Penalty, fine not exceeding \$100, or imprisonment in county jail not exceeding six months, or both.

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Using unleased school, college, or public building or indemnity lands (chap. 2, p. 41, approved March 9, 1897).—This act refers to herd-law provisions. It describes what portion of the Territory is free range.

Section 1 contains the following proviso: "Any person or persons occupying or using any school, college, or public building or indemnity lands in this Territory, not having leased the same, shall be guilty of a misdemeanor, and on conviction be fined not less than \$50 nor more than \$100 for each and every offense."

Appropriations (chap. 3, p. 43, approved March 12, 1897).—An act making appropriations for current expenses for the Territory of Oklahoma for the years 1897-98.

Section 1 contains the following proviso: "The drawing of any warrant upon any fund after the appropriation therefor is exhausted is hereby made a misdemeanor and punishable accordingly."

Article 2, page 49, making appropriations to cover deficiencies, contains a similar proviso.

Banks and banking (chap. 4, p. 53, approved March 12, 1897).—An elaborate act covering 63 sections. It provides for the creation, organization, and duties of a banking board; persons doing banking business must incorporate; states how charter may be procured, and prescribes various regulations for the conduct of banks.

Section 34 prescribes how persons interested in any bank may borrow therefrom.

SEC. 35. Any member, stockholder, or officer of any bank violating any of the provisions of section 34 shall be deemed guilty of embezzlement and punished as provided by law.

SEC. 38. Any person using any advertisement indicative of banking business when the same is not a bank under this act shall be deemed guilty of a misdemeanor: Penalty, fine \$100 to \$500.

SEC. 45. Any officer of a bank receiving valuables or money into such bank after he shall have knowledge of the fact that such bank is insolvent, or in failing circumstances, or in an unsafe condition, shall be guilty of a felony: Penalty, imprisonment five to twenty years.

SEC. 49. Stockholders, directors, officers, or employees neglecting to perform the duties required by this act or refusing to make reports and statements required shall be deemed guilty of a misdemeanor: Penalty, fine \$100 to \$500.

Section 52 makes it a felony for persons not incorporated under provisions of this act to receive deposits of money or securities: Penalty, imprisonment five to twenty-five years.

Section 54 prescribes duties of examiner. Any examiner making false or fraudulent report, or receiving bribe or gratuity, guilty of a felony: Penalty, imprisonment two to ten years.

SEC. 57. Any person willfully and knowingly making any false statement or false entry in the books of any bank with the intent to deceive shall be deemed guilty of a felony: Penalty, imprisonment one to ten years.

SEC. 59. For any violation of his oath of office or willful violation of any duty imposed upon him by this act any examiner shall be deemed guilty of a felony: Penalty, imprisonment two to ten years.

Section 60 makes it unlawful for any examiner to receive free transportation. Violation, misdemeanor: Penalty, fine \$100 to \$500.

Diverting funds (chap. 6, p. 82, approved March 12, 1897).—Article 5 relates to cities of the first class.

SEC. 9. Any member of any city council voting to divert any funds from the purpose for which such funds were collected or to allow any bill upon any such fund not made chargeable thereto by this act shall be guilty of a misdemeanor: Penalty, fine not exceeding \$500 or imprisonment not exceeding six months, or both.

Guaranty companies (chap. 9, art. 2, p. 104, approved March 12, 1897).—Prescribes the duties of surety companies doing business in the Territory.

SEC. 8. Penalty for failing to comply with the provisions of this act, forfeit \$500 to \$5,000.

Public weighers (chap. 12, art. 4, p. 120, approved March 12, 1897).—Prescribes the duties of public weighers.

SEC. 9. Violation of the provisions of this act by any public weigher a misdemeanor: Penalty, fine \$25 to \$50 and removal from office.

SEC. 10. Weigher shall furnish their own scales, to be inspected by the sheriff with United States standard weights. Failure of sheriff to inspect such scales a misdemeanor: Penalty, fine \$10 to \$50.

SEC. 11. Any person who, with intent to defraud, sand packs, false packs, or water packs any cotton, and every ginner of cotton using any artifice to increase the weight of cotton, corn, or other commodity, shall be deemed guilty of a misdemeanor: Penalty, fine \$25 to \$75 and costs. Weighers refusing to report the same to court for action shall be fined as for a misdemeanor and removed from office.

Payment of warrants (chap. 12, art. 9, p. 137, approved March 12, 1897).—Section 2 amends section 2 of chapter 24 of Oklahoma statutes of 1893 and provides that whenever a warrant is presented to any treasurer and there is not money sufficient in fund on which the same is drawn the treasurer shall indorse such warrant "not paid for want of funds" and shall set down in a book to be kept for that purpose the number, amount, date, etc., such book to be called "The warrant register."

Any treasurer who shall fail to pay any warrant in the order of registration as shown by the warrant register, or shall pay any warrant of its regular order and give preference to the same over other warrants, shall be deemed guilty of a misdemeanor: Penalty, fine \$100 to \$1,000.

Section 3 prescribes the duty of treasurer when funds are in hand with which to pay registered warrants. Any treasurer violating any of the provisions of this act shall be guilty of a misdemeanor and punished as in section 2.

Adultery (chap. 13, art. 1, p. 140, approved February 15, 1897).—SECTION 1. That section one, article twenty-seven, of chapter twenty-five, of the Statutes of Oklahoma, entitled "Crimes and punishment," be, and the same is hereby, amended to read as follows: Section 1. Adultery is the unlawful voluntary sexual intercourse of a married person with one of the opposite sex, and when the crime is between persons only one of whom is married both are guilty of adultery. Prosecution for adultery can be commenced and carried on against either of the parties to the crime only by his or her own husband or wife, as the case may be, or by the husband or wife of the other party to the crime: *Provided*, That any person may make complaint when persons are living together in open and notorious adultery.

Blacklisting (chap. 13, art. 4, p. 144, approved March 11, 1897).—Section 1 forbids corporations or individuals from blacklisting employees discharged from or voluntarily leaving the service of such company or individual with intent to prevent such employee from securing other employment.

SEC. 2. Violation, misdemeanor: Penalty, fine \$100 to \$500.

Elections (chap. 14, art. 1, p. 145, approved March 11, 1897).—A general election law amending previous laws.

SEC. 13. Any person making a false declaration under the provisions of this section shall be fined in any sum not exceeding \$20, and any poll clerk who shall deceive any elector in selecting or marking any ballot shall be guilty of a felony: Penalty, imprisonment in penitentiary from one to two years and disfranchisement for any determined period not less than five years.

Fees and salaries (chap. 15, p. 160, approved March 12, 1897).—An act to regulate the fees and salaries of county officers.

SEC. 8. Sheriffs failing to make a quarterly report to the board of county commissioners as herein required shall forfeit to the county \$25 for each day of willful failure, to be recovered from him or his bondsman.

SEC. 9. Any sheriff failing to make his quarterly report or willfully making false entries or statements, or failing to report all fees collected by him, etc., shall be deemed guilty of a misdemeanor: Penalty, fine \$300 to \$1,000 and forfeiture of office.

SECS. 15, 16. Probate judges are in these sections made subject to the same penalties as sheriffs in sections 8 and 9 for similar offenses.

SECS. 21, 22. Similar provisions and penalties as to registers of deeds.

SEC. 29. County clerks failing to report fees shall forfeit \$25 for each day of neglect, and if any board of county commissioners shall order to be paid any installment of the said county clerk's salary until the report be made and sworn to by the county clerk, each member of said board shall be subject to a fine of \$300.

SEC. 35. A similar provision as in section 29 relating to county treasurers.

SEC. 40. Any officer charging fees on pensions shall be deemed guilty of a misdemeanor: Penalty, fine \$10 to \$25.

SEC. 52. Each officer shall cause a list of fees allowed by law to be charged by him to be posted in his office in some conspicuous place, under penalty of \$5 for each day of neglect.

SEC. 60. No officer shall receive any fees for constructive services or mileage in any case. Officers charging or receiving any greater fees than is herein provided for shall be guilty of a misdemeanor: Penalty, fine \$25 to \$500 for each offense and forfeiture of office.

Irrigation (chap. 19, art. 1, p. 187, approved March 12, 1897).—Section 15 declares that any person who shall willfully or through gross negligence injure any irrigating canal or its appurtenances, wells, dams, or reservoirs; shall waste the water, or take water without authority, shall be deemed guilty of a misdemeanor: Penalty, fine not exceeding \$500.

SEC. 16. Any person willfully or maliciously injuring any irrigation canal or appurtenances, etc., to the amount of \$50 shall be deemed guilty of a felony: Penalty, imprisonment in penitentiary from two to ten years.

Liquor traffic (chap. 22, p. 203, approved March 11, 1897).—Amends previous laws in regard to traffic in intoxicating liquor.

Section 2 forbids any person receiving a license for the sale of malt liquor to sell any spirituous or vinous liquors. Violation, a misdemeanor: Penalty, fine \$50 to \$200.

SEC. 4. If it shall be satisfactorily proven that an applicant for license has been guilty of a violation of any of the provisions of this act within the space of one year, or if any former license shall have been revoked for any misdemeanor, the board shall refuse such license.

Marriage contracts (chap. 23, art. 1, p. 208, approved February 26, 1897).—Marriage is defined and limitations prescribed. Among the prohibited marriages are those of first cousins, and all marriages of persons of the white race with persons of the negro race are prohibited.

SEC. 16. Violation of the marriage law by persons entering into the marriage relation, or by any person knowingly performing or solemnizing the marriage ceremony contrary to the provisions of this act, a misdemeanor: Penalty, a fine \$100 to \$500 or imprisonment in county jail thirty days to one year, or both.

Indian marriages (chap. 23, art. 2, p. 212, approved March 12, 1897).—Section 1 legalizes Indian marriages and divorces of Indians who have taken allotments of land in severalty, who are living together as husband and wife, and who were married or divorced according to Indian custom.

Section 2 declares the children of such Indian marriage legitimate.

SEC. 3. After the passage of this act marriages and divorces among such Indians or their descendants, according to the Indian custom, shall be unlawful.

Section 6 punishes bigamy in Indians as provided in article 1, chapter 25, of the statutes of 1893. No Indian shall be punished for bigamy committed prior to the passage of this act.

SEC. 7. If an Indian at the date of the passage of this act be living with and cohabiting with more than one wife to whom he has previously been married according to Indian custom, he shall on or before the 1st day of July, 1897, designate one of them as his lawful wife, and cause her name to be recorded as such. If he shall after that date continue to live and cohabit with any Indian woman other than the one so designated as his wife, or shall fail to make such designation on or before that date, he shall be guilty of bigamy and punished accordingly.

Section 8 makes it the duty of probate judges to make a record of all Indians holding allotted lands in their counties on or before the 1st day of July, 1897, and who are married according to the provisions of this act; and shall make a record of the name of the husband and the wife so selected, and shall also make a record of Indian wives rejected by such men or of his refusal to make such selection, as the case may be. He shall report to the county attorney for prosecution the names of all Indian men who refuse to make such selection. Provision is made for the obtaining such necessary information through United States Indian agents. If such Indian agent refuses to furnish such Indian record the probate judge shall procure the information among the Indians as best he can, and for so doing shall be allowed and paid a fee of 25 cents for each Indian so recorded, which fee shall be paid by said Indian. The record so made by the probate judge shall be legal and competent evidence in all proceedings of the facts therein authorized to be stated.

Cotton dealers and ginnerers (chap. 26, art. 2, p. 221, approved March 12, 1897).—Makes it the duty of cotton dealers and ginnerers to keep a book in which shall be registered a statement showing from whom cotton was received, description and amount of the same, and the quarter section of land the same was grown upon, and by whom. The register to be open for public inspection.

SEC. 3. Failure to comply with the requirements of this act, a misdemeanor: Penalty, fine \$5 to \$25 for each offense.

Public park (chap. 27, p. 222, approved March 12, 1897).—Section 1 authorizes Rock Island Township, of Grant County, to acquire by gift, grant, or otherwise, for the purpose of maintaining a public park, 20 acres of land situate within 1½ miles from the center of said township.

SEC. 7. No intoxicating liquors shall be sold or given away within one-fourth of a mile of said township. Violation, a misdemeanor: Penalty, fine \$10 to \$50 and revocation of license if the offenders are licensed dealers in liquors.

Regulating pharmacy (chap. 28, p. 225, approved March 12, 1897).—Substitute for chapter 61, Statutes of 1893, and chapter 38, Session Laws of 1895.

Registered and assistant pharmacists are alone to dispense drugs. Provides for board of pharmacy, for examination of candidates, and issue and display of certificates.

SEC. 10. Penalty for dispensing drugs not being a pharmacist, fine \$25 to \$200.

Sec. 11. Penalty for using the title of pharmacist without authority, fine \$100 for each offense.

Sec. 12. Proprietors of a pharmacy permitting the compounding and dispensing of physicians' prescriptions, or the vending of drugs and medicines except by registered pharmacists, or who shall neglect to procure this annual registration, or any person making false representations to procure registration, shall be liable to a fine of \$100.

Sec. 13. No one who habitually uses intoxicating liquor as a beverage shall be appointed on the board of pharmacy, nor be licensed as a pharmacist or assistant pharmacist. The applicant must file a written declaration to the effect that he does not habitually use vinous, malt, or alcoholic liquors as a beverage. Anyone swearing falsely in affidavit so filed shall be guilty of perjury, and the same to apply to persons getting permits, as in section 12.

Section 14 gives a list of poisons to be labeled and registered in a book when sold, with name and address of purchaser: Penalty for violation, fine \$25 to \$100, and upon second offense his name shall be stricken from register.

Sec. 15. Itinerant venders of drugs and persons advertising cures must pay a license of \$100 for the term of one year or less. Violation, misdemeanor: Penalty, fine \$100 to \$200.

Quarantine regulations (chap. 31, p. 237, approved March 9, 1897).—An act to provide for the protection of domestic animals. Repeals chapter 50 of the Session Laws of 1895. Provides for a sanitary commission. Defines the duties of the board, the appointment and qualification of inspectors.

Sec. 7. Any person interfering with said inspectors' possession of premises containing infected cattle shall be guilty of a misdemeanor, as provided in section 13.

Section 11 makes it a misdemeanor to drive, move, or ship stock in violation of quarantine regulations: Penalty, fine \$100 to \$5,000, and may be imprisoned in county jail thirty days to one year, or both, and liable to damages.

Sec. 12. Railway companies must disinfect railway cars and pens: Penalty for violation, fine \$100 to \$5,000, to be recovered in civil action.

Sec. 13. Violation of quarantine rules and regulations, a misdemeanor: Penalty, fine \$100 to \$1,000, or imprisonment in county jail thirty days to one year, or by both and liable to civil action for damages.

Sec. 16. Inspectors are required to keep a record of all cattle slaughtered within their respective districts for sale to the public. Any person offering the meat of cattle for sale without having them inspected shall be deemed guilty of a misdemeanor: Penalty, fine \$10 for every animal so unlawfully slaughtered.

Sec. 20. Violation of regulations, orders, and rules, a misdemeanor: Penalty, fine \$100 to \$5,000, or imprisonment in county jail thirty days to one year, or by both.

Protecting bridges (chap. 33, art. 2, p. 265, approved March 12, 1897).—Section 1 makes it unlawful to cross bridges or culverts with any steam engine without first placing on any such bridge or culvert two boards or planks 2 inches in thickness and 12 inches wide for the wheels of such engines to run upon.

Sec. 3. Penalty for violating provisions of this act, fine \$20 to \$50. Also (sec. 2) liable to road district for damages.

Labels or trade-marks (chap. 40, p. 289, approved March 11, 1897).—Section 1 makes it unlawful to counterfeit or imitate trade-mark, label, or device adopted by any association or union of workmen for distinguishing or designating goods made, prepared, or put on sale by such association.

Sec. 2. Penalty for violating section 1 and selling goods so marked, fine \$100 or imprisonment not more than three months.

Section 3 provides for the registration of such trade-marks.

Sec. 4. Penalty for fraudulently filing label or trade-mark same as in section 2.

Sections 6 and 7 provide similar penalties for using the genuine label improperly and for selling goods labeled without authority.

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